Combatting Trafficking of Native Americans and Alaska Natives

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I. Introduction

Like carnival barkers in an Internet sideshow, they tout their product: young women who will provide companionship. For a price.¹

The issue of human trafficking, specifically sex trafficking, in Indian country has received increasing attention the past couple of years. Multiple jurisdictions in tribal communities may have the legal authority to investigate and prosecute crimes of human trafficking. Many of the media reports and congressional inquiries have focused on the federal government’s role in uncovering and prosecuting these offenses. However, state prosecutors and tribal prosecutors also may have the ability to charge and try these cases. The issue is nuanced, and a balanced discussion of the issue must involve the following: the location of the offense; the Indian or non-Indian status of the pimp, if known; and, if the victim is an adult, whether there was force, fraud, or coercion exerted to induce the commercial sex act. To date, there has been little research done on the topic of sex trafficking occurring in Indian country. But, some of what does exist fails to adequately distinguish between the commercial sexual exploitation of American Indian/Alaska Natives in Indian country, as defined in 18 U.S.C. §1151, and the commercial sexual exploitation of American Indian/Alaska Natives (AI/ANs) off-reservation.

To date, the two most frequently cited reports on the trafficking of Native women are Shattered Hearts: The Commercial Sexual Exploitation of American Indian Women and Children in Minnesota (Shattered Hearts)² and Garden of Truth: the Prostitution and Trafficking of Native Women in Minnesota (Garden of Truth).³ Shattered Hearts is focused on data collected in Minnesota during the client intake process at several service provider programs, and it reports that trafficking of Native American girls is common. While Shattered Hearts is a thorough and well-written report, the reader must be aware that its analysis is based on Minnesota’s trafficking statutes and not federal law. The authors of Garden of Truth interviewed 105 Native women involved in prostitution and asked about family history, sexual and physical violence throughout their lifetimes, homelessness, symptoms of post-traumatic stress disorder and dissociation, and use of available services such as domestic violence shelters, homeless shelters, rape crisis centers, and substance abuse treatment. The survey results document a shocking level of abuse

² MINN. INDIAN WOMEN’S RES. CTR., SHATTERED HEARTS: THE COMMERCIAL SEXUAL EXPLOITATION OF AMERICAN INDIAN WOMEN AND GIRLS IN MINNESOTA (2009).
perpetrated on these victims and an extensive list of recommendations necessary to provide desperately needed assistance. Again, this document is poignant and well researched, but it does not address the federal human trafficking statute.

One area in Indian country where there is increasing research and analysis (with a focus on the federal government’s response) is the proliferation of violence, drug abuse, and sex crimes, including human trafficking, in the Bakken Oil patch.4 The United States Attorney’s Offices (USAOs) and the Federal Bureau of Investigation (FBI) are very engaged in increasing law enforcement resources in the oil patch and actively investigating and prosecuting crime occurring in the Bakken. Some of these efforts are documented more fully in the case example portion of this article.

Sex trafficking of American Indians and Alaska Natives is a real and significant problem. Unfortunately, lore and urban myth about what sex trafficking in Indian country looks like has possibly done a grave disservice to Native trafficking victims residing in tribal communities or urban areas by diverting attention from looking for genuine cases of trafficking to chasing shadows. For example, many of the discussions the last couple of years regarding human trafficking in Indian country inevitably include stories about Native women being taken, held, and sexually abused in the cargo storage compartments of international ships visiting the Duluth port. In fact, since the terrorist attacks of September 11, 2001, the Duluth port has increased security because of its designation as an international point of entry. Credentials and identification are required to get on the docks and to the boats. Civilians are not permitted access to the docks or boats.5 So, while there may have been a time when prostitution and human trafficking were commonplace at the Duluth port, security efforts implemented nearly sixteen years ago have significantly curtailed the problem.

This article seeks to clarify the record by doing the following: outlining federal jurisdiction for commercial sex trafficking offenses in Indian country, providing examples of cases originating in tribal communities or where AI/ANs were victimized, reviewing current studies and data on victimization rates of AI/ANs, offering an example of how to develop a comprehensive community response to the issue of human trafficking in Indian country, and detailing the Department’s commitment to investigating and prosecuting this heinous crime.

II. Trafficking Victim Vulnerabilities

“He made me feel special. He found me when I was broken. He built me up. Broke me back down. And built me back up again to where I thought he was my everything.” (Heather, Alaska Sex Trafficking Survivor)6

Pimps select their prey, typically adolescents, to victimize with a few specific criteria in mind. They target individuals they believe will be unable to escape, unwilling or too afraid to cooperate with law enforcement, and likely to be simply overlooked, forgotten, or ignored by society. To be marginalized is to be vulnerable—every minute of every day and at every turn. This truth is magnified in tribal communities where resources are scarce and help may be hours away.

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4 See Amy Dalrymple & Katherine Lynn, Sex for Sale in the Bakken: Trafficking in ND Is on the Rise, DAILY REPUBLIC (Jan. 5, 2015).
5 Rhianon Fletcher, Secrets of the Ports Human Trafficking in Duluth, Minnesota, DULUTH J. UNDERGRADUATE RES., 2015, at 103–05.
While it is often believed that “prostitution is an adult occupation,” “80% of women engaged in prostitution started before their eighteenth birthday,” with “the average [starting age being] between twelve and fourteen years old.”7 There were “1,400 youth arrested for prostitution in the United States in 2003,” and of that group, unfortunately, “14% were age fourteen or younger.”8 Of the Department of Justice’s confirmed human trafficking cases from 2008 to 2010, 64% consist of allegations of sexual exploitation of a child.9 While adults are also victims in domestic sex trafficking cases, the adults who are sex trafficked are often “initially trafficked either while juveniles or very shortly thereafter.”10

Juveniles are found to be easier targets for pimps based on their lack of “perspective, experience, and emotional maturity” that hinders their ability to see through lies and schemes told to them by traffickers.11 Therefore, “[t]he younger the victim, the more susceptible they are to the manipulations . . . of domestic sex traffickers.”12

Beyond the factor of age, “70% of domestic sex trafficking victims were [victims of prior child sexual abuse, with the abuse occurring] between the ages of three and fourteen.”13 These previous child sexual abuse victims frequently suffer from the symptoms of “deep-seated shame, humiliation, and lack of self-worth. They also are often left ‘feeling defective and defeated,’ . . . [and] blame themselves for being sexually victimized.”14 Victims then have low self-esteem and a high need for love, increasing their vulnerability, and, in turn, making them view themselves as “dirty” or a “pervert.”15

Because of this prior sexual abuse, many sex trafficking victims come from dysfunctional families whose abuse stems further to include “physical abuse, verbal abuse, neglect, and family abandonment.”16 Most victims lack a healthy, “loving relationship with their father or another adult male” and crave what the victim understands to be a family environment, even though they lack the understanding of what a functional family environment could be.17 Sex traffickers often prey on this family void; however, it should be noted “that 25% of child sex trafficking victims were . . . trafficked by family members.”18

Another factor to note is the financial instability victims may face. This might be through “inadequate education,” “limited employment opportunities,” or “a poverty-stricken background” in which the victims find themselves unable to support themselves, a situation which, in turn, increases their vulnerability to the traffickers.19

Because of experiences like a history of abuse and lack of financial stability, victims might be runaways, “abuse drugs to self-medicate,” and “have a history of psychological problems.”20 If the victim is a runaway, the victim is more likely to engage in what is known as “survival sex” to obtain “subsistence needs” such as “shelter, food, drugs, or money.”21 If the victims are engaging in survival sex,

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8 Id.
9 Id.
10 Id.
11 Id.
12 Id.
13 Id.
14 Id. at 1021.
15 Id.
16 Id.
17 Id.
18 Id. at 1022.
19 Id.
20 Id.
21 Id.
“it is not uncommon for [these victims to participate in] commercial sex acts prior to their exploitation,” which, in turn, increases their vulnerability to “exploitation and enslavement [by the] traffickers.”

III. Victimization Rates in American Indian and Alaska Native Populations

American Indian and Alaska Native (AI/AN) children suffer exposure to violence at rates higher than any other race in the United States. The immediate and long term effects of this exposure to violence includes increased rates of altered neurological development, poor physical and mental health, poor school performance, substance abuse, and overrepresentation in the juvenile justice system. This chronic exposure to violence often leads to toxic stress reactions and severe trauma, which is compounded by historical trauma. Sadly, AI/AN children experience posttraumatic stress disorder at the same rate as veterans returning from Iraq and Afghanistan and triple the rate of the general population. With the convergence of exceptionally high crime rates, jurisdictional limitations, vastly under-resourced programs, and poverty, service providers and policy makers should assume that all AI/AN children have been exposed to violence.

The issues of domestic violence, sexual assault, and child abuse are significant ones, and they have deservedly received greater attention by the public, criminal justice and social service systems, and the medical community during the past two decades. Research and anecdotal evidence show that individuals who are abused at home by family members, friends, or intimate partners are more likely to be vulnerable to other forms of victimization. For example, if an adolescent’s father or uncle molests her at home, she is more likely to become a runaway or to self-medicate with drugs and alcohol. These factors put her at increased risk for falling prey to a sex trafficker. We know that AI/ANs experience much higher rates of victimization than do the rest of the population. Recent studies suggest that American Indian women are 2.5 times more likely than the national average to experience certain violent crimes, such as nonfatal strangulation. Therefore, it is important for criminal justice and social service personnel responding to crime in tribal communities to be knowledgeable of the types and frequency of abuse perpetrated on the First Americans. In addition, all must be mindful of the painful experiences Native Americans have suffered at the hands of the federal and state governments: forced removal from their ancestral homelands, boarding school, slavery, and sexual abuse.

The Department of Justice’s research component is the National Institute of Justice (NIJ). Throughout the past decade, NIJ has dedicated many resources to researching and evaluating the rate and types of violence perpetrated against AI/ANs. Results from an NIJ-funded study, researched and written by Andre Rosay, Ph.D., Director of the Justice Center at the University of Alaska–Anchorage, was released in 2016; the study shows that AI/AN women and men suffer violence at alarmingly high rates.

The study looked at the prevalence of psychological aggression and physical violence by intimate partners, stalking, and sexual violence among AI/AN women and men. It also examined the perpetrators’ race and the impact of the violence.

The [NIJ] study used a nationally representative sample from the National Intimate Partner and Sexual Violence Survey (NISVS), with a total of 2,473 adult women and 1,505 adult men who identified themselves as AI/AN, either alone or in combination with another

22 Id.
23 ATT’Y GEN.’S ADVISORY COMM. ON AM. INDIAN & ALASKA NATIVE CHILDREN EXPOSED TO VIOLENCE, supra note 6, at 2 (citation omitted).
racial group. Most women (83 percent) and most men (79 percent) were affiliated or enrolled with a tribe or village. More than half of women and men (54 percent for each group) had lived within reservation boundaries or in an Alaska Native village in the past year.

The results, which show high rates of violence against both women and men, provide the most thorough assessment on the extent of violence against [AI/AN] women and men to date.26 In short, more than four in five AI/AN women and men have experienced violence in their lifetime, and more than one in three experienced violence in the past year, according to this NIJ-funded study. NIJ published a Journal article written by Dr. Rosay, which provides an excellent summary of the longer Research Report. The information printed below is taken from the NIJ Journal article document:

Violence Against Women

Results show that more than four in five [AIAN] women (84.3 percent) have experienced violence in their lifetime. This includes 56.1 percent who have experienced sexual violence, 55.5 percent who have experienced physical violence by an intimate partner, 48.8 percent who have experienced stalking, and 66.4 percent who have experienced psychological aggression by an intimate partner. Overall, more than 1.5 million [AIAN] women have experienced violence in their lifetime.

The study also found that more than one in three [AIAN] women (39.8 percent) have experienced violence in the past year. This includes 14.4 percent who have experienced sexual violence, 8.6 percent who have experienced physical violence by an intimate partner, 11.6 percent who have experienced stalking, and 25.5 percent who have experienced psychological aggression by an intimate partner. Overall, more than 730,000 [AIAN] women have experienced violence in the past year.

Violence Against Men

[AIAN] men also have high victimization rates. More than four in five [AIAN] men (81.6 percent) have experienced violence in their lifetime. This includes 27.5 percent who have experienced sexual violence, 43.2 percent who have experienced physical violence by an intimate partner, 18.6 percent who have experienced stalking, and 73 percent who have experienced psychological aggression by an intimate partner. Overall, more than 1.4 million [AIAN] men have experienced violence in their lifetime.

More than one in three [AIAN] men (34.6 percent) have experienced violence in the past year. This includes 9.9 percent who have experienced sexual violence, 5.6 percent who have experienced physical violence by an intimate partner, 3.8 percent who have experienced stalking, and 27.3 percent who have experienced psychological aggression by an intimate partner. Overall, more than 595,000 AIAN men have experienced violence in the past year.

[AIAN] men are 1.3 times as likely as non-Hispanic white-only men to have experienced violence in their lifetime. In particular, [AIAN] men are 1.4 times as likely to have experienced physical violence by an intimate partner and 1.4 times as likely to have experienced psychological aggression by an intimate partner in their lifetime. The other estimates are not significantly different across racial and ethnic groups.

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How Does the Violence Affect Victims?

The study also briefly examined how physical violence by intimate partners, stalking, and sexual violence affects [AIAN] victims. Among the victims:

- 66.5 percent of women and 26.0 percent of men expressed concern for their safety.
- 41.3 percent of women and 20.3 percent of men were physically injured.
- 49.0 percent of women and 19.9 percent of men needed services.
- 40.5 percent of women and 9.7 percent of men missed days of work or school.

[AIAN] female victims were 1.5 times as likely as non-Hispanic white-only female victims to be physically injured, 1.8 times as likely to need services, and 1.9 times as likely to have missed days of work or school. Other differences across racial and ethnic groups were not statistically significant.

Victims identified a variety of needed services. [AIAN] female victims most commonly needed medical care (38 percent of victims) and were 2.3 times as likely as non-Hispanic white-only victims to need this type of care. They also needed legal services (16 percent), housing services (11 percent), and advocacy services (9 percent). Medical care and legal services were the most commonly reported needs for male victims as well.

Unfortunately, not all victims were able to access services. More than one in three [AIAN] female victims (38 percent) and more than one in six [AIAN] male victims (17 percent) were unable to get the services that they needed. [AIAN] women were 2.5 times as likely as non-Hispanic white-only women to lack access to needed services.

As seen through the statistics listed above, AI/ANs suffer from a heightened victimization and are often unable to receive services that could help them.

Regarding the issue of child abuse, the most recent statistics come from Child Maltreatment 2015, the 26th edition of the annual Child Maltreatment report series, which provides data through the National Child Abuse and Neglect Data System (NCANDS). The report states that “the national estimate of children who received a child protective services investigation response or an alternative response [was] . . . 3,358,000 . . . .28 Of these cases, the number and rate of reported victims in 2015 was 683,000.29 Approximately, “[t]hree-quarters (75.3%) of the victims were neglected, 17.2 percent were physically abused, and 8.4 percent were sexually abused.”30 “For [the entirety of] 2015, a nationally estimated 1,670 children died of abuse and neglect at a rate of 2.25 per 100,000 children in the national population.”31 All of these 2015 national statistics were based upon receiving data from “the 50 states, the District of Columbia and the Commonwealth of Puerto Rico.”32

Looking specifically into Indian country, data on child sexual abuse is limited. Through the National Indian Child Welfare Association, it is reported that of the 405,000 American Indian children

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27 Id. (tables omitted). For full survey information, visit: https://www.cdc.gov/violenceprevention/nisvs/index.html.
29 Id.
30 Id.
31 Id.
32 Id.
living the United States today, 28,000 or (7%) are at risk for abuse or neglect each year. Of these cases in which there is abuse, 95% are substance abuse related.

IV. Federal Criminal Jurisdiction in Indian Country

Currently, there are 567 federally recognized tribes in the United States. According to the Bureau of Indian Affairs, “[a]pproximately 56.2 million acres are held in trust by the United States for various Indian tribes and individuals.” In addition, the Bureau states the following:

There are approximately 326 Indian land areas in the U.S. administered as federal Indian reservations (i.e., reservations, pueblos, rancherias, missions, villages, communities, etc.). The largest [such land area] is the 16 million-acre Navajo Nation Reservation located in Arizona, New Mexico, and Utah. The smallest is a 1.32-acre parcel in California where the Pit River Tribe’s cemetery is located. Many of the smaller reservations are less than 1,000 acres.

Approximately, 5.2 million people in the United States identify as Native American, “either alone or in combination with one or more other races,” per the 2010 Census. And of this group, 2.9 million, or 0.9% of the total U.S. population, identify as only Native American. In 2010, more than 1.1 million Native Americans resided on tribal land.

The two main federal statutes governing federal criminal jurisdiction in Indian country are 18 U.S.C. § 1152 and § 1153. Section 1153, known as the Major Crimes Act, gives the federal government jurisdiction to prosecute certain enumerated offenses, such as murder, manslaughter, rape, aggravated assault, and child sexual abuse, when they are committed by Indians in Indian country. Section 1152, known as the General Crimes Act, gives the federal government exclusive jurisdiction to prosecute all crimes committed by non-Indians against Indian victims in Indian country. Section 1152 also grants the federal government jurisdiction to prosecute minor crimes by Indians against non-Indians, although that jurisdiction is shared with tribes and provides that the federal government may not prosecute an Indian who has been punished by the local tribe.

To protect tribal self-government, Section 1152 specifically excludes minor crimes involving Indians, when the crimes fall under exclusive tribal jurisdiction. The federal government also has jurisdiction to prosecute federal crimes of general application, such as drug and financial crimes, when they occur in Indian country, unless a specific treaty or statutory provision provides otherwise.

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34 Id.
36 Id.
37 Id.
39 Id. at 3.
40 Id. at 13.
43 Id. § 1153(a).
44 Id. § 1152.
45 Id.
46 Id.
47 Id.
limited number of reservations, the federal criminal responsibilities under Sections 1152 and 1153 have been ceded to the States under “Public Law 280” or other federal laws.

The United States Constitution, treaties, federal statutes, executive orders, and court decisions establish and define the unique legal and political relationship that exists between the United States and Indian tribes. The FBI and the USAOs are two of many federal law enforcement agencies with responsibility for investigating and prosecuting crimes that occur in Indian country. FBI jurisdiction for the investigation of federal violations in Indian country is statutorily derived from 28 U.S.C. § 533, pursuant to which the FBI was given investigative authority by the Attorney General.48 In addition to the FBI, the Department of the Interior’s Bureau of Indian Affairs (BIA) plays a significant role in enforcing federal law, including the investigation and presentation for prosecution of cases involving violations of 18 U.S.C. §§ 1152 and 1153.

V. Application of the Federal Human Trafficking Statute to Crimes Arising in Indian Country

It must be emphasized that the General Crimes Act and Major Crimes Act deal only with the application of federal enclave law to Indians, and have no bearing on federal laws of general applicability that make actions criminal wherever committed, regardless of the status of the defendant or the location of the crime.49 Despite the explicit holdings in three circuits that jurisdiction exists over violation of statutes of general applicability, one court of appeals has held that such statutes do not automatically apply to offenses in Indian country involving only Indians, unless there is an independent federal interest to be protected.50 The Markiewicz court went on to hold that each of the statutes charged in the case, 18 U.S.C. § 1163 (theft of tribal funds), 18 U.S.C. § 844(i) (arson of property in interstate commerce), 18 U.S.C. § 1513 (witness tampering), 18 U.S.C. § 402 (contempt), 18 U.S.C. § 1621 (perjury), and 18 U.S.C. § 2101 (riot), reflected such an independent federal interest or that its violation had not occurred in Indian country.51 Markiewicz was explicitly rejected by the Ninth Circuit in United States v. Begay, which held that 18 U.S.C. § 371 (conspiracy) applied in Indian country even though it is not a crime enumerated in 18 U.S.C. § 1153.52

The federal “human trafficking” statute is found at 18 U.S.C. § 1591, and the official title in the federal code is “[s]ex trafficking of children or by force, fraud, or coercion.”53 The penalty and elements for the offense are the following:

(a) Whoever knowingly--

   (1) in or affecting interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States, recruits, entices, harbors, transports, provides, obtains, advertises, maintains, patronizes, or solicits by any means a person; or
   
   (2) benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in violation of paragraph (1),


49 See United States v. Young, 936 F.2d 1050, 1055 (9th Cir. 1991) (assault on federal officer and firearms), overruled on other grounds by United States v. Vela, 624 F.3d 1148 (9th Cir. 2010); United States v. Blue, 722 F.2d 383, 384–85 (8th Cir. 1983) (narcotics); United States v. Smith, 562 F.2d 453, 458 (7th Cir. 1977), (assault on federal officer), abrogated by United States v. Brisk, 171 F.3d 514, 521 n.5 (7th Cir. 1999).
50 See United States v. Markiewicz, 978 F.2d 786, 800 (2d Cir. 1992).
51 See id. at 817.
knowing, or, except where the act constituting the violation of paragraph (1) is advertising, in reckless disregard of the fact, that means of force, threats of force, fraud, coercion described in subsection (e)(2), or any combination of such means will be used to cause the person to engage in a commercial sex act, or that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act, shall be punished as provided in subsection (b).

(b) The punishment for an offense under subsection (a) is--

(1) if the offense was effected by means of force, threats of force, fraud, or coercion described in subsection (e)(2), or by any combination of such means, or if the person recruited, enticed, harbored, transported, provided, obtained, advertised, patronized, or solicited had not attained the age of 14 years at the time of such offense, by a fine under this title and imprisonment for any term of years not less than 15 or for life; or

(2) if the offense was not so effected, and the person recruited, enticed, harbored, transported, provided, obtained, advertised, patronized, or solicited had attained the age of 14 years but had not attained the age of 18 years at the time of such offense, by a fine under this title and imprisonment for not less than 10 years or for life.54

Section 1591 is a crime of general applicability. If the government can prove that the crime was committed “in or affecting interstate or foreign commerce,” there is no need to consider other bases of jurisdiction, like the General Crimes Act, for crimes occurring in Indian country. Also, 18 U.S.C. § 1591 prohibits interstate or foreign commerce in regard to sex trafficking. When defining interstate or foreign commerce, the United States Supreme Court has interpreted Congress’s power to regulate activities that involve and affect commerce through the Commerce Clause.55 Pursuant to the Commerce Clause, Congress has the power to regulate activities that have a substantial effect on interstate commerce.56 The government need only meet a de minimis standard of commerce to fall under the Commerce Clause.57

The courts have created a four-factor test to determine whether a law regulates an activity that has substantial effect on interstate commerce.58 The four factors are the following:

(1) whether the regulated activity is economic in nature; (2) whether the statute contains an ‘express jurisdictional element’ linking its scope in some way to interstate commerce; (3) whether Congress made express findings regarding the effects of the regulated activity on interstate commerce; and (4) attenuation of the link between the regulated activity and interstate commerce.59

Numerous courts have ruled § 1591 constitutional following application of the four factor test. The Campbell court said the following:

First, commercial sex acts are economic in nature. Second, section 1591 has a jurisdictional element, requiring the jury to find that the activity affected interstate commerce. Third, in enacting the [Trafficking Victims Protection Act, . . .], Congress found that “Trafficking in persons substantially affects interstate and foreign commerce.” Fourth[, . . .] there is a clear nexus between [the defendant's] intrastate recruiting and obtaining of women to

54 Id. § 1591(a)–(b).
56 Id.
57 Id.
commit commercial sex acts, the interstate aspects of [the defendant’s] business, and the interstate market for commercial sex.

Accordingly, the Court in Paris ruled that Congress had the power to regulate the defendant’s intrastate recruiting and obtaining women to perform commercial sex acts.60

A critical question for using § 1591 in Indian country is what activity falls within the definition of interstate commerce. Must the pimp, john, or victim travel across state lines or in and out of Indian country? Or does purely intra-jurisdiction activity meet the legal definition? The case of United States v. Evans addressed the issue of whether solely “intrastate” commercial sexual activity could satisfy the interstate-commerce element of §1591(a)(1).61 In Evans, a fourteen-year-old girl (Jane Doe) worked in Miami-Dade County as a prostitute for the defendant.62 “[Defendant] arranged ‘dates’ for Jane Doe at local hotels.”63 Jane Doe gave all money earned to the defendant.64 Evans communicated with the victim using a cell phone.65 “[The defendant] supplied Jane Doe with condoms to use on the dates.” Lifestyle was the most commonly used brand of condom; this brand is produced overseas and imported into Georgia for sale and delivery throughout the United States.66 Jane Doe was ultimately hospitalized for eleven days and diagnosed with AIDS.67 After her release from the hospital, Evans contacted Jane Doe via landline telephone and asked her to work for him again. Jane Doe worked for the defendant until she was hospitalized again to be treated for AIDS.68

The Evans court found that § 1591(a)(1) was constitutional as applied to defendant’s purely intrastate activities.69 The court said that § 1591 “was enacted as part of the Trafficking Victims Protection Act of 2000 [(TVPA)]; this act “criminalizes and attempts to prevent slavery, involuntary servitude, and human trafficking, . . . particularly of women and children in the sex industry.”70 Importantly, the court highlighted that “Congress found that trafficking of persons has an aggregate economic impact on interstate and foreign commerce.” The court stated that Congress’s conclusions in this regard were not irrational.72 Therefore, the Evans court concluded that defendant’s enticement of a fourteen-year-old female to commit intrastate prostitution “had the capacity when considered in the aggregate with similar conduct by others, to frustrate Congress’s broader regulation of interstate and foreign economic activity.”73 In short, defendant’s “use of hotels that served interstate travelers and distribution of condoms that traveled in interstate commerce are further evidence that Evans’s conduct substantially affected interstate commerce.”74 This case is often cited to support a broad definition of interstate commerce.

Evans was also charged with a count of 18 U.S.C. § 2422(b), which criminalizes the actions of anyone who, by “using the mail or any facility or means of interstate or foreign commerce, . . . persuades,

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62 Id. at 1177.
63 Id.
64 Id.
65 Id.
66 Id.
67 Id. at 1177–78.
68 Id.
69 Id. at 1180–81.
70 Id. at 1179.
71 Id.
72 Id.
73 Id.
74 Id.
induces, entices, or coerces any individual who has not attained the age of 18 years to engage in prostitution . . . “75 Defendant admitted to contacting the victim via cellular telephone and landline.76 But on appeal, he argued that the government failed to prove that his intrastate calls were routed through interstate channels.77 The court disagreed and held that “telephones and cellular telephones are instrumentalities of interstate commerce.”78 This finding, too, may prove important to the prosecutor analyzing whether or not § 1591 is a viable charge for sex trafficking in Indian country.

A review of case law demonstrates that many activities undertaken to promote or support commercial sexual exploitation will meet the standard of “affecting interstate commerce.” Moreover, the prosecutor is permitted to argue that even “intrastate,” “intra-reservation,” and “intra-SMTJ” activities have an aggregate economic impact on interstate and foreign commerce. In fact, these authors were unable to find case law articulating an activity undertaken to further acts of commercial sexual exploitation that were found not to impact interstate commerce. Thus, human trafficking violations occurring in Indian country or within the special maritime and territorial jurisdiction should always be chargeable as § 1591 offenses crimes. If, however, commerce is inexplicably not implicated, the prosecutor must look to the General Crimes Act (18 U.S.C. § 1152) to determine if jurisdiction exists to charge the case in federal court. The General Crimes Act limits federal jurisdiction for a violation of § 1591 to either a non-Indian perpetrator and an Indian victim or an Indian perpetrator and a non-Indian victim when the tribe has not already punished the offender for the same offense.79 In these very specific situations, the United States could prosecute the offender under § 1591 by relying on the incorporation of SMTJ jurisdiction through the General Crimes Act by proving that the crime occurred in Indian country; by doing so, the prosecutor would eliminate the need to prove an interstate nexus.80

It is also important to note that, depending on the facts of the case, the county prosecutor or state attorney general’s office may have jurisdiction to prosecute cases of human trafficking in Indian country. Furthermore, some tribes may have human trafficking codes and the ability to prosecute Indian offenders in tribal court. Or, even if the tribe does not have a specific human trafficking code, it may have jurisdiction to prosecute co-occurring crimes.

VI. Indian Country Human Trafficking Case Examples

Human trafficking and, specifically, commercial sexual exploitation of children and adults happens everywhere, including Indian country and Alaska Native villages. The crimes may not be on the scale of offenses committed in big cities. Nevertheless, the harm done to victims and the community is just as damaging. Because residents of small towns and tribal communities may be oblivious to the signs of trafficking, cases may be overlooked. An example of a trafficking case that could easily stay off law enforcement’s radar is United States v. Jackie Little Dog (a/k/a Audrey Jacqueline Little Dog, a/k/a Audrey Jacqueline Bobtail Bear). On June 5, 2012, Little Dog, age 52, was sentenced to 30 months in custody with credit for time served, two years of supervised release, and a $100 assessment to the Victim Assistance Fund.

75 Id. at 1180; 18 U.S.C. § 2422(b) (2012).
76 Evans, 476 F.3d at 1180.
77 Id.
78 Id. at 1180–81.
“Little Dog was indicted for Sex Trafficking of a Child by a federal grand jury on May 3, 2011. A superseding indictment charging her with Sex Trafficking of a Child and Child Abuse was filed [in September] 2011.”  

The defendant pled guilty to a single count of child abuse on March 14, 2012.

Little Dog admitted that she repeatedly brought an individual who was younger than 18 from his/her home in Little Eagle to a residence in McLaughlin where she knew [the minor] would be exposed to a variety of physical dangers, including [consuming alcohol] and being expected to engage in sexual encounters with various adult men.

The defendant had met a group of immigrant construction workers at the casino. None of the men spoke English. Little Dog began visiting the men’s rental house and partying with them. She also began taking a group of minor females and young women with her to the house. The defendant took the minor victim with her numerous times to the house. The victim had sex with one of the men and received $50.00 payment. She used the money to purchase gas for the defendant’s car and to feed each of them breakfast. The victim told the defendant where she got the money. The defendant continued to take the minor female to the house, and the victim continued to have sex with the men for various amounts of payment. She received as much as $50.00 and as little as an 18-pack of beer. The case was prosecuted by AUSA Kevin Koliner, District of South Dakota.

The rural nature and geographic size and scope can make it difficult to detect trafficking cases occurring in the City of Anchorage and in “the bush” Alaska. In Anchorage, there are some reoccurring themes in trafficking cases: (1) cases are primarily Internet based; (2) traffickers directly recruit the victims; (3) drugs are typically involved; (4) victims are promised a better life and the chance to earn large sums of money; and (5) pimps isolate victims and remove them from their families. Cases originating in rural Alaska, or “the bush,” also have certain characteristics: (1) victims are lured to Anchorage by family members or boyfriends (referred to as “Tundra Pimping”); (2) something other than money, like drugs, may be exchanged for sex; and (3) the victim typically has a history of prior victimization. The average age of becoming a trafficking victim is fifteen to seventeen. Alaska Native youth are particularly vulnerable to traffickers because they may be unfamiliar with Anchorage, have little to no support system outside of their village, and may be unaware of resources or assistance available to them in Anchorage. Covenant House Alaska, a youth shelter in Anchorage, reports that “1 in 3 youth will be approached by a trafficker in Anchorage within forty-eight to seventy-two hours of becoming homeless.”

Fortunately, in 2012, the FBI in Alaska developed a robust “Innocence Lost” task force to tackle the problem of sex trafficking in Alaska. In 2003, the FBI created the Innocence Lost National Initiative in conjunction with the Department of Justice Child Exploitation and Obscenity Section and the National Center for Missing & Exploited Children. The initiative’s goal is to address the growing problem of domestic sex trafficking of children in the United States. In addition to developing and working cases, FBI agents in Alaska, along with their task force partners, do a tremendous amount of training and outreach, even in remote Alaska Native villages. Sharing information with other criminal justice, social
service, medical personnel, and community members has paid real dividends by saving victims and getting pimps off the street. One such case example is United States v. Randall Scott Hines.\(^88\)

Hines was a charter fishing boat captain in Homer, Alaska. Hines admitted to engaging in sexual relationships with a series of teenage girls in Homer, Alaska. He also admitted to frequently supplying these same girls with methamphetamine and, at times, with oxycodone, “often in conjunction with having sex with them. Four of the six teenage girls with whom Hines had a sex and drug relationship were under the age of sixteen . . . .”\(^89\) In part, the crimes were discovered when an astute health care professional, who had been trained by the FBI on how to identify trafficking victims, noted that a group of young women and adolescents had the same sexually transmitted infection. Hines was ultimately convicted of “one consolidated count of distributing drugs to underage individuals and one count of possession of child pornography” because he had “a sexually explicit video clip of him engaged in sex[ual] conduct with one of the minor victims.”\(^90\) He was sentenced to ten years’ imprisonment to be followed by ten years’ supervised release. As part of the case, his charter boat was seized by authorities. Hines agreed to sell the boat and use the proceeds to fund a $160,000 trust fund to help the victims obtain drug treatment and counseling. The case was prosecuted by AUSA Kim Sayers-Fay, District of Alaska.\(^91\)

An example of a trafficking case occurring in Indian country is United States v. Dustin Morsette. Morsette received a 45-year prison term following a jury trial and his conviction on charges of sex trafficking, sexual abuse, drug trafficking, and witness tampering.\(^92\)

In or about September 2009, Morsette and another person conspired to distribute marijuana in and around the Fort Berthold Indian Reservation [in North Dakota]. As part of this conspiracy, Morsette began to recruit minors and young adults to be part of a gang he described as the Black Disciples. According to testimony at trial, Morsette used physical force and coercion to cause an adult female he had recruited for the gang to engage in commercial sex acts on the Fort Berthold Indian Reservation and in Williston and Minot. After his arrest in July 2010, Morsette attempted to influence this adult female’s testimony in this case and to prevent communication of information about the sexual abuse and prostitution activity to law enforcement.

Also according to trial testimony, gang members were required to distribute marijuana for Morsette and/or engage in sexual acts with Morsette. Morsette used force and threats to coerce individuals he recruited for the gang into engaging in the sexual acts with him. Morsette also engaged in a sexual act with a minor who was physically incapable of consenting to the act due to her consumption of alcoholic beverages and drugs. Morsette utilized several minors whom he had recruited for the gang to distribute or assist with the distribution of marijuana in the New Town area.\(^93\)

At the time of his sentencing, the United States Attorney for the District of North Dakota said the following:

“Defendant Morsette is a predator who targeted and exploited young girls and women of the Fort Berthold Reservation. He sexually abused multiple young girls[;] he engaged


\(^{90}\) Id.

\(^{91}\) See id.


\(^{93}\) Id.
minor children to sell drugs for him, and he used physical force and coercion to force an additional young woman to perform sex acts for money in Minot and Williston. The stiff sentence imposed by the court today is a just punishment for defendant Morsette’s crimes. The climate of fear he created for young girls and women on the Fort Berthold Reservation is no more.”

The case was prosecuted by AUSA Rick Volk, District of North Dakota.

From the above listed case examples, it is clear that commercial sex trafficking cases in Indian country or rural Alaska look different from big city cases. In addition, as evidenced by the cases outlined above, cases originally charged as a violation of § 1591 may ultimately be resolved by plea to another criminal offense, like sexual abuse or child abuse. Defendants who plead guilty to a crime other than trafficking typically receive stiff penalties on par with sentences meted out for trafficking convictions. However, plea agreements allow for resolution of a case without the necessity of putting the victim through trial. Particularly, for victims in Indian country, a public trial and the exposure that it entails can be devastating to a young victim who may be struggling physically, mentally, and emotionally with the after effects of being trafficked.

In March 2017, the United States Government Accountability Office (GAO) released a report titled “Human Trafficking: Action Needed to Identify the Number of Native American Victims Receiving Federally-Funded Services.” The GAO looked at the data of four agencies with the authority to investigate or prosecute human trafficking in Indian country: the FBI, Bureau of Indian Affairs (BIA), Immigration and Customs Enforcement Homeland Security Investigations (ICE HSI), and the U.S. Attorneys’ Offices (USAO). The USAOs, FBI, and BIA not only report case statistics, but also track whether or not the crime occurred in Indian country. The GAO report states that for the fiscal years 2013 through 2016, “there were 14 federal investigations and 2 federal prosecutions of human trafficking in Indian country.” During fiscal years 2013-2015, GAO reports “there were over 6,100 federal human trafficking investigations and approximately 1,000 federal human trafficking prosecutions . . . .” Importantly, GAO noted that “state or tribal law enforcement may have jurisdiction to investigate crimes in Indian country; therefore, these figures likely do not represent the total number of human trafficking-related cases in Indian country.” GAO also recognized that crimes like human trafficking may be underreported; therefore, prosecution data may not reflect the full extent of the trafficking problem.

VII. Department of Justice’s Commitment to Fighting Violent Crime and Working Together with American Indians and Alaska Natives

Improving public safety and the fair administration of justice in tribal communities is a top priority for the Department of Justice. On February 28, 2017, U.S. Attorney General Sessions announced the formation of the U.S. Department of Justice Task Force on Crime Reduction and Public Safety. The Task Force was formed pursuant to the President’s Executive Order on a Task Force on Crime Reduction and Public Safety, and is chaired by the Deputy Attorney General, Rod Rosenstein. Task Force members include the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the

94 Id.
95 Id.
97 Id. at 17.
98 Id.
99 Id.
100 Id.
101 Id.
Administrator of the Drug Enforcement Administration (DEA), the Director of the FBI, and the Director of the U.S. Marshals Service (USMS).

Attorney General Sessions said the following:

“On my first day in office, I called in the heads of the four major law enforcement agencies to discuss this plan. Violent crime is on the rise, and we must always remember that crimes are committed against real people. The creation of this task force is a critical step toward confronting this crisis vigorously, effectively and immediately.”

“The task force is central to the Attorney General’s commitment to combatting illegal immigration and violent crime, such as drug trafficking, gang violence and gun crimes, and to restoring public safety to all of the nation’s communities.”

The task force is charged with developing strategies to reduce crime; identifying deficiencies in existing laws and policies that have made them less effective in reducing crime and proposing new legislation and policies to improve public safety and reduce crime; evaluating the availability and adequacy of crime-related data and identifying measures to improve it; and conducting any other relevant studies. In conducting its work, the task force will consult with federal, state, tribal and local law enforcement, law enforcement organizations and victims’ and community advocacy organizations, among others, to learn about successful local efforts and how they can best be supported at the federal level.

Violent crime in Indian country and human trafficking are certainly two of the important public safety issues addressed by the task force. In April 2017, the Executive Office for United States Attorneys (EOUSA) organized the Violent Crime in Indian Country Subcommittee. EOUSA’s Native American Issues Coordinator chairs this Subcommittee, which is part of the larger Task Force on Crime Reduction and Public Safety.

The Department recognizes the United States’ unique legal relationship with federally recognized Indian tribes. The United States Constitution, treaties, federal statutes, executive orders, and court decisions establish and define the unique legal and political relationship that exists between the United States and Indian tribes. In December 2014, the Attorney General issued guidelines stating principles for working with federally recognized Indian tribes. These guidelines apply to all Department personnel working in Indian country. The overarching principles as directed by the Attorney General are the following:

- “The Department of Justice honors and strives to act in accordance with the general trust relationship between the United States and tribes.”
- “The Department of Justice is committed to furthering the government-to-government relationship with each tribe, which forms the heart of its federal Indian policy.”
- “The Department of Justice respects and supports tribes’ authority to exercise their inherent sovereign powers, including powers over both their citizens and their territory.”
- “The Department of Justice promotes and pursues the objectives of the United Nations Declaration on the Rights of Indigenous Peoples.”

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103 Id.
104 Id.
• “The Department of Justice is committed to tribal self-determination, tribal autonomy, tribal
nation-building, and the long-term goal of maximizing tribal control over governmental
institutions in tribal communities, because tribal problems generally are best addressed by tribal
solutions, including solutions informed by tribal traditions and custom.” 105

The Attorney General’s guidelines for working with federally recognized tribes also addresses
Department efforts concerning law enforcement and the administration of justice in tribal communities,
priorities for USAOs and the FBI:

• “The Department of Justice is committed to helping protect all Native Americans from violence,
takes seriously its role in enforcing federal criminal laws that apply in Indian Country, and
recognizes that, absent the Department’s action, some serious crimes might go unaddressed.”

• “The Department of Justice prioritizes helping protect Native American women and children
from violence and exposure to violence, and works with tribes to hold perpetrators accountable,
to protect victims, and to reduce the incidence of domestic violence, sexual assault, and child
abuse and neglect in tribal communities.” 106

VIII. Department of Justice Indian Country Training Resources

In July 2010, EOUSA launched the National Indian Country Training Initiative (NICTI) to ensure
that Department prosecutors, as well as state and tribal criminal justice personnel, receive the training and
support needed to address the particular challenges relevant to Indian country prosecutions. The
Department’s National Indian Country Training Coordinator (Coordinator) leads this training effort,
which is based at the National Advocacy Center (NAC) in Columbia, SC. Since its inception, the NICTI
has delivered dozens of training opportunities at the NAC or in the field, including well over 100 lectures
for other federal agencies, tribes, and tribal organizations held around the country. The NICTI has reached
all United States Attorneys’ Offices with Indian country responsibility and over 300 tribal, federal, and
state agencies. In addition to live training, the NICTI issues written publications and serves as faculty for
other federal agency trainings, webinars, tribally hosted conferences, and technical assistance providers
serving Indian country. Importantly, the Department’s Office of Legal Education covers the costs of
travel and lodging for tribal attendees at classes sponsored by the NICTI. This allows many tribal criminal
justice and social service professional to receive cutting-edge training from national experts at no cost to
the student or tribe.

In February 2015, the NICTI, together with the FBI, held the first-ever Human Trafficking in
Indian Country Seminar at the NAC. The seminar was for federal and tribal criminal justice professionals
working in Indian Country. The seminar enhanced participants’ understanding of legal definitions,
elements of federal offenses, and current issues and challenges of human trafficking enforcement. The
training also included in-depth discussions of effective strategies for identifying, investigating, and
prosecuting human trafficking cases, including prosecutors' roles in the following: planning successful
enforcement operations; strategies for developing victim testimony; pretrial litigation strategies; effective
trial presentation in human trafficking prosecutions; and sentencing issues. The seminar focused primarily
on sex trafficking. A second residential Human Trafficking in Indian Country Seminar was held in early
2017. This training, too, was held at the NAC.

In addition to training at the NAC, the National Indian Country Training Coordinator has lectured
on the topic of human trafficking in Indian country at several national conferences, including sessions
hosted by the BIA, the USAOs for the Districts of Kansas, Nebraska, and Northern Iowa, a community

105 Attorney General Guidelines Stating Principles for Working with Federally Recognized Indian Tribes, 79 Fed.
Reg. 73,905, 73, 905 (proposed Dec. 3, 2014).
106 Id.
The NICTI has also worked with the Office for Victims of Crime, the Office on Violence Against Women, and a video production company, Video/Action, to put together a series of five training videos focused on violence committed against Alaska Natives. One of the videos in the series concerns the issue of sex trafficking. The video highlights several cases where Alaska Natives were targeted by traffickers. Many of these crimes occurred when young Alaska Natives travel from the bush to more urban areas, like Anchorage. The video training series was released in October 2016. The target audience for the training videos is tribal, state, and federal leadership and criminal justice and social service professionals who deal with cases of domestic violence, sexual assault, and sex trafficking committed against Alaska Natives.107

IX. Collaboration Is Key

Working in Indian country is complex because multiple jurisdictions and a myriad of criminal justice and social services personnel may have an active role to play in a single case. This is certainly the situation when a trafficking allegation is reported. Cases must be thoroughly investigated, victims needs identified and met, justice done, and offenders held accountable. Thus, the federal, state, and tribal governments must be coordinated and collaborative, and maintain good lines of communication.

Concerning human trafficking in Indian country, there are few examples where all stakeholders in a state, including the tribes, have come together to explore the issue and to develop recommendations. However, one example is the state of Oregon.

In 2010, the Willamette University College of Law’s International Human Rights Clinic (Clinic) released a report that measured how well state and federal officials in Oregon were doing to prevent human trafficking, to prosecute traffickers, and to protect trafficking victims. Their final report is titled “Modern Slavery in Our Midst: A Human Rights Report on Ending Human Trafficking in Oregon.”108 Following release of this report, it was brought to the Clinic’s attention that Native Americans, nationally and in Oregon, are vulnerable to traffickers. Consequently, a second human rights legal fact-finding investigation was initiated. A report titled “Human Trafficking & Native Peoples in Oregon: A Human Rights Report” (Report) was published in May 2014.109

The Report outlined a number of areas where its authors believed that more could be learned or accomplished to deal with criminal justice and victim services issues concerning human trafficking in Indian country: (1) “statistical data and focus on natives in human trafficking”; (2) “knowledge of human trafficking involving Native Americans”; (3) granular information about the location of offenses, identifying characteristics of traffickers and victims, and mechanisms used to facilitate offenses; (4) the impact of foster care placements; (5) the impact of generational trauma and oppression; (6) the causes and effects of underreporting; (7) the “causes and effects of under-enforcement”; (8) the impact of jurisdictional complexities; (9) the impact of state law; (10) training needs; and (11) lack of available resources to fund service provider programs.110 Accordingly, to address these concerns, a list of recommendations is included in the Report.111

107 To access this video, visit: https://www.ovc.gov/library/healing-journey.html.
110 Id. at 41–58.
111 Id. at 58–62.
The Report provides an excellent template for other states or federal judicial districts seeking to undertake a similar examination of trafficking responses in their jurisdictions. The Report also includes the interview questions used to gather the information forming the basis of the recommendations.112

USAOs are engaged in an unprecedented level of collaboration with tribal law enforcement, consulting regularly with them on crime-fighting strategies in each district, joining in federal-tribal task forces, sharing case and grant information, training investigators, and cross-deputizing tribal police and prosecutors to enforce federal law and to allow those deputized individuals to bring cases directly to federal court. Across the country, USAOs and the NICTI have trained over 1,000 tribal and local police officers, enabling those officers to receive their Special Law Enforcement Commissions (SLECs). SLEC holders are cross-deputized to enforce federal laws on Indian land—an important “force multiplier” for tribal communities where federal law enforcement resources may be thin or remotely located. United States Attorneys around the country are also designating tribal prosecutors as Special Assistant United States Attorneys, enabling them to bring cases directly to federal court.

Indian country prosecutions, particularly violent crime prosecutions, are an important part of the Department’s mission, and the Department continually works to improve efforts in this area. These cases are a specific district priority for the forty-nine federal judicial districts with Indian country responsibility.

All USAOs with Indian country responsibility have at least one Tribal Liaison to serve as the primary point of contact with tribes in the district. Tribal Liaisons are an important component of the USAOs’ efforts in Indian country. The Tribal Liaison program was first established in 1995 and codified with the passage of the Tribal Law and Order Act in 2010.113 Tribal Liaisons play a critical and multifaceted role. In addition to their duties as prosecutors, Tribal Liaisons generally fulfill a number of other functions. For example, they often coordinate and train law enforcement agents investigating violent crime and sexual abuse cases in Indian country. They also train BIA criminal investigators and tribal police presenting cases in federal court.

Tribal Liaisons often serve in a role similar to a local district attorney or community prosecutor in a non-Indian-country jurisdiction and are accessible to the community in a way not generally required of other Assistant United States Attorneys (AUSAs). Tribal Liaisons are assigned specific functions dictated by the nature of the district. They serve as the primary point of contact between the USAO and the Indian tribes located in the district. Tribal Liaisons typically have personal relationships with tribal governments, including tribal law enforcement officers, tribal leaders, tribal courts, tribal prosecutors, and social service agency staff.

Tribal Liaisons also know and work well with state and local law enforcement officials from jurisdictions adjacent to Indian country. These relationships enhance information sharing and assist the coordination of criminal prosecutions, whether federal, state, or tribal. It is important to note that while the Tribal Liaisons are collectively the most experienced prosecutors of crimes in Indian country, they are not the only AUSAs doing these prosecutions. The volume of cases from Indian country requires these prosecutions in most USAOs to be distributed among numerous AUSAs.

Indian country and violent crime, including human trafficking, remain priorities for the Department of Justice. Working together in partnership with our state and tribal counterparts, the

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112 Id. at B-1–B-2.
The Department of Justice has the ability to increase prevention efforts, improve the success of trafficking investigations and prosecutions—and most importantly—reduce the victimization and suffering of AI/AN trafficking victims.

ABOUT THE AUTHORS

❑ Leslie A. Hagen serves as the Department of Justice’s first National Indian Country Training Coordinator. In this position, she is responsible for planning, developing, and coordinating training in a broad range of matters relating to the administration of justice in Indian country. Previously, Ms. Hagen served as the Native American Issues Coordinator for EOUSA. In that capacity, she served as EOUSA’s principal legal advisor on all matters pertaining to Native American issues, provided management support to the United States Attorneys’ Offices, and coordinated and resolved legal issues. She also served as a liaison and technical assistance provider to Department of Justice components and the Attorney General’s Advisory Committee on Native American Issues. Ms. Hagen started with the Department of Justice as an AUSA in the Western District of Michigan. As an AUSA, she was assigned to Violent Crime in Indian Country and handled federal prosecutions and training on issues of domestic violence, sexual assault, child abuse, and human trafficking affecting the eleven federally recognized tribes in the Western District of Michigan.

❑ Benjamin L. Whittemore serves as the Native American Issues Coordinator for EOUSA. Ben is responsible for coordinating with the United States Attorneys and Tribal Liaisons on matters of national significance in Indian country, and maintains a direct line of communication to the Native American Issues Sub-Committee regarding such issues. He is also responsible for coordinating with other federal components on matters affecting Indian country, and serves as the main point of contact for EOUSA for all matters pertaining to Indian country. As part of Attorney General Jeff Sessions’s Task Force on Crime Reduction and Public Safety, Ben serves as the chair of the Violent Crime in Indian Country Subcommittee. Previously, Ben served as the Community Prosecutor assigned to the Menominee Indian Reservation for the USAO in the Eastern District of Wisconsin. His responsibilities included creating programming to reduce violent crime on the reservation, drafting appropriate legislation for consideration by the Menominee Tribal Legislature, performing various types of community outreach, and prosecuting all major crimes occurring on the Menominee Reservation.