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Tribal Underworld

## Drug Traffickers Find Haven in Shadows of Indian Country

By SARAH KERSHAW

ST. REGIS MOHAWK RESERVATION, N.Y. — He had eluded the authorities for years. Witnesses against him had mysteriously disappeared. Shots were fired from his highly secured compound here last year when the state police tried to close in.

The man, John V. Oakes, like a fast-rising number of American Indian drug traffickers across the country, saw himself as "untouchable," as one senior investigator put it, protected by armed enforcers and a code of silence that ruled the reservation.

After he was finally arrested last May, Mr. Oakes was recorded from jail talking on the phone with his estranged wife. "I can't believe people let this happen to me," he said, according to Derek Champagne, the Franklin County district attorney who listened to the recorded call. "You can't touch me. I'm on the reservation, and I do what I want."

Investigators described Mr. Oakes as an intimidating trafficker who concentrated on stealing drugs and cash from a prosperous and growing cluster of criminals who, like Mr. Oakes, have built sprawling mansions near worn-down trailers on this reservation straddling the Canadian border.

Law enforcement officials say Mr. Oakes and the drug lords he is accused of stealing from are part of a violent but largely overlooked wave of trafficking and crime that has swept through the nation's Indian reservations in recent years, as large-scale criminal organizations have found havens and allies in the wide-open and isolated regions of Indian country.

In the eyes of law enforcement, reservations have become a critical link in the drug underworld. They have helped traffickers transport high-potency marijuana and Ecstasy from eastern Canada into cities like Buffalo, Boston and New York, and have facilitated the passage of cocaine and methamphetamine from cities in the West and Midwest into rural America.

In some cases, outside drug gangs work with Indian criminals to distribute drugs on Indian and non-Indian lands. And on a growing number of reservations, drug traffickers

— particularly Mexican criminals — are marrying Indian women to establish themselves on reservations.

At the Lac Courte Oreilles Reservation in northwestern Wisconsin, for instance, several members of the Latin Kings gang married Indian women while a tribal offshoot of the gang built a \$3 million crack cocaine ring moving drugs from Milwaukee into and around the reservation over the past few years, prosecutors said.

Increasingly American Indians are breaking away to build their own violent, Mafia-like enterprises, according to an examination of dozens of court records and interviews with more than 50 federal and local prosecutors, tribal law enforcement officials and tribal members.

"This is very serious and has created major problems in the community," said Clifford Martel, a former senior police investigator for the Red Lake Nation in northern Minnesota, who was fired in July and said it was because he had tried to rid that reservation of drug traffickers with close ties to powerful tribe members.

"The amount of drugs was really impacting that community, our community, just as if it were Chicago, and big loads were coming in all the time," Mr. Martel said.

For traffickers of marijuana, cocaine, methamphetamine, painkillers and people, reservations offer many advantages. Law enforcement is spotty at best. Tribal sovereignty, varying state laws and inconsistent federal interest in prosecuting drug crimes create jurisdictional confusion and conflict.

The deep loyalty that exists within tribes, where neighbors are often related, and the intense mistrust of the American justice system make securing witnesses and using undercover informants extremely difficult. And on some reservations, Indian drug traffickers have close relationships with tribal government or law enforcement officials and enjoy special protection that allows them to operate freely, investigators say.

### A Direct Hand in Trafficking

Casino money has also fueled the surge, providing a fast-growing source of customers and well-financed partners for outside drug traffickers. And cutbacks in welfare payments in cities have prompted many Indians to return to reservations, often bringing with them connections to gangs and drug rings.

Some traffickers have given away drugs to Indians as a way of luring them into the trade. The recently convicted leader of a Mexican drug ring had a chilling strategy on five reservations in Wyoming and the Midwest, the authorities said: targeting tribes with high alcohol addiction rates and handing out free methamphetamine, recruiting the newly addicted Indians as dealers and orchestrating romantic relationships between gang members and Indian women.

The surge in drug-related crime stands in sharp contrast to the great strides Indians have made over the past several decades, strengthening their sovereignty and culture, making their way into American politics and government and — for a small but rising number of tribes — growing rich with new casino revenue.

At the same time, American Indians like Mr. Oakes have capitalized on the drug trade, carving out a deep piece of the pie for themselves, after decades in which Indians were typically recruited to help non-Indian traffickers smuggle drugs across the borders and through the country.

"They started out solely as mules, then they realized there was an awful lot more profit in dealing directly" with the upper echelons of organized crime, said Mr. Champagne, the district attorney. "Why should they just get paid for bringing it across the river?"

Here on Mohawk land, a reservation of roughly 6,000 people on the United States side, according to the tribe, investigators estimate that 10 to 15 major Indian criminal organizations, along with outside drug rings, move more than \$1 billion annually in high-grade marijuana and Ecstasy across the Canadian border, through the reservation and into the Northeast. Prosecutors say they are catching only about 2 percent of that contraband.

The drug trade afforded Mr. Oakes a lifestyle that neighbors on this reservation could barely dream of. Stealing from other dealers was inherently dangerous — as Mr. Champagne said, "I was surprised that he wasn't going to be my next homicide." But for Mr. Oakes the rewards outweighed the risk: He owned a gated compound on the St. Lawrence River, with 16 surveillance cameras, a souped-up Lincoln Navigator and several speedboats.

Yet at his bail hearing Mr. Oakes told a judge that he was supporting himself solely on a Navy pension.

Mr. Oakes eventually pleaded guilty to selling drugs to undercover agents, after investigators seized from the compound 17,000 tablets of Ecstasy, worth \$340,000 on the street, two pounds of high-grade marijuana and several shotguns and rifles. But investigators said Mr. Oakes was a prime suspect in at least a dozen robberies of drug traffickers, netting him hundreds of thousands of dollars in cash, cocaine and marijuana. He is expected to be sentenced next month to 10 years in state prison, the authorities said.

The federal government could not provide comprehensive statistics on drug trafficking through reservations. But overall crime figures point to a much higher rate of violence on the nation's 261 federally recognized reservations compared with the rest of the nation. A 2004 Justice Department report found that American Indians and Alaska Natives experienced a per capita rate of violent crime twice that of the United States population. And the number of police officers per capita on Indian reservations is starkly lower than elsewhere in the country, other reports show.

Steven W. Perry, a statistician with the Justice Department and the author of the 2004 report, a 10-year study of crime in Indian country, said the judicial patchwork that covered Indian reservations had made it impossible to provide an accurate statistical portrait. Of the 561 federally recognized Indian tribes, 171 have their own courts, and only 71 have their own jails, Mr. Perry said.

Other federal officials say they are aware, through anecdotal reports and growing concerns reported to them by tribal leaders, of a marked rise in drug trafficking, particularly involving methamphetamine, and crimes like murder and robbery that come in its wake.

"It appears there is a very significant crime problem on most of the reservations that we are aware of," said Chris Chaney, deputy bureau director of law enforcement services for the Bureau of Indian Affairs. "I am concerned that it might be escalating within the last couple of years."

#### Addiction, Confusion, Corruption

Although much of the drug trafficking on reservations involves moving the contraband across the nation's borders and from large cities through the states, the drugs often never leave Indian lands.

At the Blackfeet Nation in Browning, Mont., methamphetamine addiction is rampant among the 10,000 members of the tribe, unemployment reaches 85 percent in the winter and drug-related violence is widespread.

"It's destroying our culture, our way of life, killing our people," said Darrel Rides at the Door, a drug and alcohol counselor who uses traditional healing therapies, burning sage and sweet grass during "talking circles," to cleanse the soul of the demons of addiction. "A lot of people, they feel sort of disempowered to do anything about it."

Local law enforcement officials in Montana, including Jeff Faque, the under sheriff of Glacier County, said that with no jurisdiction over the reservation, they could not stem the large quantities of methamphetamine moving through it in a state with one of the highest rates of meth use in the nation. Mexican gangs based in Washington State are working with Blackfeet Indians and others to traffic methamphetamine into and across Montana, the authorities say.

"It's disheartening," Mr. Faque said of his office's lack of legal authority at the Blackfeet Nation. "I don't think I'll see it solved in my lifetime."

Addiction and a jurisdictional morass are only two of the problems associated with the expanding drug trade. Corruption is another.

At the Wind River Reservation in Wyoming, a tribal court judge was one of 25 people arrested last May as part of a drug ring accused of moving, over a seven-year period, 30

pounds of methamphetamine, worth more than \$1 million, as well as painkillers and marijuana into and through the reservation, said Matthew H. Mead, the United States attorney in Wyoming.

The tribal judge, Lynda Munnell Noah, the sister of one of the drug ring's leaders, was accused of threatening to assault and murder a Bureau of Indian Affairs law enforcement officer, prosecutors said. About half of those arrested have pleaded guilty so far; the judge has pleaded not guilty and is expected to go to trial soon.

At the Red Lake Reservation in northern Minnesota, four former tribal law enforcement officials and the nation's current chairman said in interviews that internal tribal politics and resistance among court and police employees had created enormous obstacles to ridding the reservation of cocaine traffickers.

Investigators say four or five tribal families are controlling the drug trade, most of it in partnership with drug gangs from Minneapolis.

Mr. Martel, the former senior police investigator at Red Lake, which gained widespread attention last March when a teenager killed nine people and himself at the reservation's high school, said he was fired after three years on the force because he clashed with tribal leaders when he tried to investigate suspects. While the federal government and not the state has jurisdiction over Red Lake, tribal detectives like Mr. Martel are typically the first to investigate criminals and to notify federal prosecutors.

Mr. Martel's partner, Russ Thomas, who resigned in October, said Red Lake police dispatchers "would narc us out," or alert suspects to criminal investigations.

Eventually, Mr. Thomas said, he and Mr. Martel stopped telling others in the police department whom they were investigating, worked their cases at night instead of during the day so they would not be spotted as easily, and changed cars often.

"We quit using our own people," he said. "We were doing our job with our hands tied behind our backs."

Tim Savior, who served only three months as the Red Lake police chief before the Tribal Council voted him out in January, said he, too, felt that drug-fighting efforts were thwarted by lower-level officials in the courts and police department with support from tribal politicians.

"I was trying to hold people accountable for their duties and responsibilities in the department," Mr. Savior said. "Politicians are trying to control it, and without a separation of powers, law enforcement is expendable. That's why there's a tailspin on reservations — there's no stability there."

Mr. Martel accused the tribal chairman, Floyd Jourdain Jr., of pressing him to drop investigations of relatives, friends and political associates, and he contended that he was fired when he refused to back off.

But Mr. Jourdain said Mr. Martel was fired for just cause, after portraying himself as an F.B.I. agent during an investigation. Mr. Martel said he was appropriately accompanying an F.B.I. agent, which is standard protocol. The chairman also said there were numerous complaints of rudeness against Mr. Martel and that critics like him were motivated by a political "smear campaign" in advance of tribal elections in May.

Mr. Jourdain acknowledged that his reservation had a serious problem with crack cocaine dealers, but he said he had no role in allowing the drug trade to expand. The problem, he said, lies with lower-level law enforcement employees resistant to change, although he said he had no proof of any illegal action that could lead to their firing.

"I've done nothing wrong," Mr. Jourdain said. "I've followed all procedure and gone through the appropriate steps." He also said he was disheartened that Mr. Savior had been removed as police chief and had voted against the majority to keep the police chief on.

The United States attorney in Minnesota, Thomas B. Heffelfinger, whose office prosecutes major crimes on the state's reservations, said one of the reasons few drug criminals had been prosecuted at Red Lake was that the tribal leadership, citing concerns over sovereignty, had removed its two police officers, including Mr. Martel after he was fired, from a federal drug crimes task force in the area.

The tribe has yet to sign an agreement it received last fall that would put the Red Lake officers back on the task force, which Mr. Heffelfinger said would go a long way toward cracking down on the drug trade there. The agreement, he said, is "adequate" for two other Minnesota tribes, at the White Earth and Leech Lake reservations, where the federal task force's work has led to a series of arrests and prosecutions.

#### 'The Black Hole'

In upstate New York and across the Canadian border, the roughly 11,000 Indians living here now have long dipped their hands into the rewarding till of smuggling, moving goods as varied as diapers and tobacco across this lightly patrolled frontier, 12 wide-open miles of water and land separating the two countries. Some here say that smuggling, dating back to before the days of Prohibition, is a birthright.

While much of the nation's drug enforcement effort has focused on the Mexican border, the reservation has become a pipeline for the flow of drugs and guns between Canada and the United States. In warmer weather, speedboats cruise across the St. Lawrence River, ferrying drugs south and weapons and cash north; in the winter cars and vans race over an ice bridge on the river, the authorities say.

A retired special agent here for the Border Patrol's former antismuggling unit, Edward Barrett, said that when he was working undercover along the Mexican border in Texas, a drug smuggler told him that if he could not move narcotics across the southern border, he could easily do it through Canada and "the black hole," the traffickers' nickname for the Mohawk land. "It's guaranteed to go through," he said.

On the 14,000-acre reservation, evidence of the drug trade is easily visible from the million-dollar mansions with high gates and elaborate fences that are being built in a place with an unemployment rate of about 50 percent, and where tumbledown government housing was once the common sight.

Despite the many obstacles, prosecutors have had some success in combating drug rings here. In November, Lawrence Mitchell, a member of the Mohawk tribe, pleaded guilty to orchestrating the movement of large quantities of marijuana across the United States-Canada border. Numerous times, according to his plea, Mr. Mitchell, 35, arranged for the transportation of loads averaging 50 to 100 pounds, destined for Syracuse, Utica and other parts of New York; Massachusetts; and Florida.

Prosecutors say he also laundered tens of millions of dollars in marijuana trafficking money over three years, through his construction company and car dealership. He was sentenced in November to 10 years in prison.

Mr. Mitchell — who owned two houses on the reservation, one on each side of the border, until the authorities seized the American house — earned at least \$2.2 million in drug money from 2001 to 2004, investigators say, but the money trail was hard to follow.

Along with Mr. Mitchell, five other people, including a New York State Police dispatcher who was accused of tipping off Mr. Mitchell's drug runners to police presence on the border, have pleaded guilty so far in the case.

Mr. Mitchell's lawyer, Stanley Cohen of New York City, who also represented Mr. Oakes and is best known for representing terrorism suspects, said law enforcement officials had used such arrests to wrongly portray the reservation as infested with drug traffickers. And Mr. Cohen objected to investigators' contentions that his clients were involved in criminal activities that went beyond what they admitted to.

"If they had evidence of more significant or more egregious or more disturbing activity by either of these clients, they would have proved it," he said.

Meanwhile, as prosecutors say drug traffickers are doing business in Indian country at a rapidly growing pace, many tribes are responding on their own to the drug crime and addiction epidemic.

At the Mohawk Reservation, the tribe spends more than half the revenue from its casino and other enterprises — roughly \$2 million annually — on border patrol and other law enforcement. Tribal leaders say they could fight the trafficking here better than outside

law enforcement, given adequate resources. "We feel like that's our responsibility," said James W. Ransom, a Mohawk tribal chief. "That's our goal."

The Mohawk tribe has received \$5,000 annually from the Department of Homeland Security and used the entire grant over the last two years to build a security fence around the new police headquarters, tribal officials said.

Working with stretched resources and huge barriers, many tribal detectives across Indian country say they are facing an impossible task.

"If I were a drug trafficker, I'd choose this place," said Brian Barnes, deputy chief of police for the Mohawk tribe, as he headed out on the police department's lone working speedboat to patrol the St. Lawrence River.

### Gangs Hit Home

In Wisconsin, Paul DeMain, the managing editor of News From Indian Country, who is married to a member of the Lac Courte Oreilles tribe, confronted the fact that his own son and stepdaughter were initiated members of the Latin Kings. After the gang gained a foothold on the reservation in 1998, Indian criminals set up an affiliate, the Lion Tribe Set, which ran one of the largest crack-cocaine trafficking rings in the history of the state, said John W. Vaudreuil, an assistant United States attorney in Wisconsin. So far, 37 of 40 tribal members have been convicted and sentenced in the case.

Mr. DeMain took the painful step of reporting his son's activities to the authorities, he said. His son left the gang, Mr. DeMain said, but his stepdaughter is serving a 20-year sentence in federal prison.

"It requires reaching out of that little box of self-protection that the Indian community has always had," Mr. DeMain said. "A reluctance to engage in supporting the federal government, to call in outside resources."

Darrel Hillaire, chairman of the Lummi Nation in Northwest Washington, said, "We've got to step up."

"It's not the federal government's fault," Mr. Hillaire said. "It's us, the leaders. Until it becomes the No. 1 priority in Indian country, we'll continue to play this blame game, and we'll get nothing done."

Still, there is fierce debate over possible solutions: more money from the federal government for manpower, or more legal authority for tribes that insist they know better how to fight crime within their own borders. Mr. Heffelfinger, who is also the chairman of the Native American Issues Subcommittee of the nation's United States attorneys but has just announced that he is stepping down to return to private practice, acknowledged that drug crimes were "disproportionately high" on reservations.

But he said tribes with significant casino revenue now had new options for financing drug addiction recovery and law enforcement programs. Many tribes have funneled gambling and other business revenue toward those needs.

Mr. Heffelfinger described crime fighting on the Mohawk Reservation as a "success story" because of the recent partnerships between tribal, local, state, federal and Canadian law enforcement agencies, which helped lead to the arrest of traffickers like Mr. Mitchell and Mr. Oakes. But investigators vehemently disagreed that there was anything resembling a success story here.

One afternoon, tribal and county detectives were preparing to take what was their lone speedboat — they recently obtained another one confiscated from a drug trafficker — out for a patrol on the St. Lawrence River.

They tried to start the boat, but the battery was dead. They spent hours trying to drag the boat through the mud and up onto a riverbank with a pickup truck. The detectives shook their heads and said they suspected that the traffickers were crossing the river at that very moment, with loads of drugs stashed on their many speedboats.

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