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(A brief break was taken.)

SENATOR DORGAN: We will have the second actually this is the third panel but the second panel on the issue of American Indian Children Exposed to Violence in the Home. And following this panel we will break for lunch and reconvene at 2:00 in the afternoon.

The panelists for the subject of Indian Children Exposed to Violence in the Home are: Linda Thompson, Leander Russ McDonald, and Sarah Deer. And I will call first on Linda Thompson who is the Executive Director of the

1 First Nation's Women's Alliance. She's had
2 extensive training in the area of domestic
3 violence advocacy including children's advocacy.
4 She moved to North Dakota in 1995 and is the
5 founding director of the Spirit Lake Tribe Victim
6 Assistance Program which was established in 1997.

7 Let me ask you to proceed, Linda.
8 And we will have a ten-minute presentation from
9 each of you three. Linda Thompson.

10 LINDA THOMPSON: Thank you.
11 After we started the Victim Assistance
12 Program, we were the last
13 reservation in North Dakota to have a service
14 that addressed the needs of crime victims. So,
15 it was parole and probation and it was a small
16 grant like \$25,000 that came to Spirit Lake, and
17 I was hired with that money to provide services.

18 And I think it was shortly before
19 VAWA was funded. And so, that
20 opened the door and now they have services that
21 are available in all of their tribal areas.

22 I worked there for 11 years and then we belonged
23 to the State
24 Coalition which is the North Dakota Council on
25 Abused Women's Services, and we would go as

1 Native women there, but the issues that they were
2 talking about, weren't relevant to what was going on in our
3 communities. So, we decided that we would start
4 our tribal coalition, which is First Nation's
5 Women's Alliance, and we have membership from all
6 the tribal communities, various domestic violence
7 and sexual assault programs.

8 The issues that they deal with
9 everyday and is getting more complex because of
10 the issue with the energy industry and the CTAS (Coordinated Tribal
11 Assistance Solicitation) money that was originally supposed to
12 help it to be easier, has made it a lot more
13 difficult. None of our tribes in North Dakota
14 were funded last year except for Standing Rock, I
15 believe, and that money went, I think, to the
16 South Dakota side.

17 This year, our tribes applied again
18 and nobody was funded except for Turtle Mountain
19 and they got half of what they requested. The
20 only tribe that was economically stable enough to
21 offer assistance to their program is Fort
22 Berthold, but otherwise Spirit Lake and the other
23 tribes all struggle to keep their budget going.

24 These programs provide direct

1 services to victims on the ground. They are the
2 first responders, the Tribal Police, the BIA
3 Police, the Advocacy Program and Social Services.

4 I have testimony that I submitted
5 and it's lengthy and it has a whole bunch of
6 different information, but I think I'm just going
7 to tell you a couple of stories about the stuff
8 that has happened during my years in advocacy. I
9 was with an advocacy in Minneapolis/St.Paul,
10 that's where I'm originally from. And, I worked
11 for a battered women's shelter there called
12 Women's Advocates and outside ties to the
13 Children's Mental Health Association and PATH,
14 which is a Professional Association of Treatment
15 Homes, in which I was a foster care parent and
16 later adopted.

17 During the time that I was doing the
18 adoption, and I took kids that weren't able to be
19 placed in regular county homes because they had a
20 lot of abuse issues. I took children from
21 Minnesota tribes. And during that time, one of
22 my children was victimized, was sexually
23 assaulted. And I went through the state system.
24 And I reported it immediately once we knew, and
25 my child was four. And I really thought - as I was

1 an advocate already and had all that extensive
2 training and knew what to tell other people, but
3 as that reversed and it became me and my family,
4 I realized that I did not understand the impact
5 that happened to a human being.

6 I went through the court system, and
7 I got a first-degree sexual assault conviction
8 and my child was ready to testify because she's
9 very verbal and articulate and being able to talk
10 about the truth and we went. And I realized, I
11 came out of the court and I didn't feel any
12 better. I went through six months of therapy and
13 realized I didn't know what the end result was
14 supposed to be with that.

15 You know, when was I going to feel
16 Better, is what I wanted to know as a mother. And
17 of course, the condition with my child depended
18 on what shape I was in 'cause I'm the leader. It
19 was at that time, I had to deal with my own
20 issues and the fear I had, because what happens if
21 you don't get any intervention or somebody to
22 support you or help you, you can easily get on a
23 path to self-destruction.

24 So, I went -- the only thing that
25 helped was I went to a ceremony, and I asked the

1 people there if there was anything that could be
2 done to help my child and they said -- the guy
3 said I don't know, I never asked or did that
4 before. But he must have prayed and somewhere
5 during the night, he came and he told me to pick
6 her up and I had to pick her up. And he had me
7 take medicine and he was running it through her
8 hair and he was talking, and I realized what I
9 was asking for was the repair to be in her spirit
10 and her sense of self.

11 And, somewhere during that, he had
12 what was left and I couldn't quit crying and then
13 he said drink it and he made me drink it. So I
14 did that. And then all of a sudden, I wasn't
15 crying about it any more. And I saw -- if you
16 could see my child, I mean, she's an adult woman
17 now, but you would never guess because I made a
18 commitment to be alcohol and drug free and to be
19 well and to be as helpful and as loving and
20 compassionate as I could be. And I knew that if
21 that could happen to me and my family, that that
22 was possible for everybody, not just me. I'm not
23 special and neither is she. Now, we're
24 statistics and I'm really baptized.

25 So in 1995, I moved to Spirit Lake

1 And I know there is a lot of controversy
2 and I get really defensive because that community
3 welcomed me and my children there and they
4 provided a place of safety. And I learned a lot
5 about culture and traditions and healings and it
6 continued. And they allowed me, an Ojibwe woman,
7 Ojibwe is traditional enemy of the Dakotah, they
8 allowed me to start a program and to help
9 hundreds and hundreds of people and to create
10 hope for everybody and to be a part of their
11 community. And my kids ended up graduating, I
12 have two children who are enrolled there.

13 And I just continued 'cause I've seen
14 too much of people that can get well and then I
15 see the other side where they're not allowed
16 those services.

17 I have been the crisis line person
18 for 11 years and my love is advocacy. I am an
19 advocate in my heart and my mind and my soul.
20 And I still do drive services after hours,
21 weekends, and holidays. I take the crisis line
22 when they are on vacation or they're going out of
23 town. And I have been to the hospital with rape
24 victims still and dealing with families whose
25 children are traumatized. And once our people

1 know that you will help and you will not hurt
2 them, that's when they don't do any more harm to
3 them.

4 You will help with your heart and
5 your mind to get ahold of resources. They will
6 trust you because, there's a lot of mistrust
7 because of things that happen, and I don't blame
8 because a lot of people have come and said, you
9 know, yeah, we've done the red light, green light
10 and we tell, you know, the kids to tell and then
11 they tell and their whole world explodes and they
12 could be on the receiving end of not having a
13 family anymore, and they've just lost. Whatever
14 they had, that was stable.

15 And you hear the adults tell us, we
16 will take care of it and I understand, you know,
17 I understand the need to have evidence and a
18 reliable witness and that DNA, but if you don't
19 have those things, it doesn't mean it didn't
20 happen. We still have to respond. And I
21 believe more in the healing. That's where more
22 of my focus is on the healing and getting well.

23 The criminal justice system is good
24 if it works, and sometimes it doesn't. And for us
25 in Indian Country, the prosecution is a lot

1 lower. But, you know, they're an hour or two
2 hours away from us, you know, to get there. So
3 it's our people, we need training; we need the
4 resources to be able to provide that; doing
5 domestic violence training and bringing it out to
6 our communities.

7 We also have reentry programs out
8 there. Our reentry center does not have a
9 cultural component nor does it have a parenting
10 component. In both of those, we have 80 percent
11 reentry up there in the region and of the 80
12 percent, 50 percent are from Turtle Mountain, 50
13 percent are from Spirit Lake. And when I go to
14 those meetings, there is no cultural piece to it
15 to help us to know who we are because it's not
16 accurately taught in history, history books.
17 Thank you for listening to me.

18 SENATOR DORGAN: Thank you very
19 much. Linda Thompson, thank you and thanks for
20 your life's work in these important areas.

21 Next we will hear from the Chairman
22 of the Spirit Lake Tribe, Leander Russ McDonald.
23 Mr. McDonald, Chairman McDonald, has previously
24 been Vice President of Academic Affairs at the
25 local tribal college. He has a bachelor's degree

1 and master's degree and a PhD in sociology and
2 educational foundations and research. He's a
3 veteran of the army serving from 1981 to 1984.
4 And I'm pleased to recognize the Chairman of the
5 Spirit Lake Tribe.

6 Let me, Mr. McDonald, for you and Ms.
7 Thompson, just say one word: Ms. Thompson
8 indicated that there's a lot of controversy with
9 respect to some of these issues in the Spirit
10 Lake Tribe. I agree with that. That controversy
11 does exist. I don't know all that I need to know
12 or would like to know about that controversy, but
13 I read about the issues in the New York Times and
14 in publications around the country and here in
15 North Dakota, and I hope perhaps Mr. McDonald,
16 Chairman McDonald, that the comments you make
17 might address at least part of that. These are
18 such important issues, and I appreciate the work
19 that all leaders do and you are chairman of that
20 tribe and that is a significant responsibility.
21 And I appreciate your being here today and being
22 willing to provide information as Ms. Thompson
23 has done to the task force. So, Chairman
24 McDonald, you may proceed.

25 LEANDER RUSS MCDONALD: Thank

1 you, Senator. Before I start, I'd just like to
2 comment that, based on your comments, that we
3 certainly take into consideration the amount of
4 testimony that we will provide today. Not only
5 myself but also our tribal council, I'd like to
6 recognize them right now. They're sitting in the back
7 of the room and have them stand. All of
8 our tribal council are here today. In regard to
9 this issue, this has been a priority for us,
10 especially over the last three months or so in
11 regard to prioritizing this issue.

12 SENATOR DORGAN: Do you wish to
13 identify them?

14 LEANDER RUSS MCDONALD: I could.
15 We have Representative Brownshield from the Fort
16 Totten district, Representative Dubois,
17 from the Crow Hill District
18 and our secretary/treasurer, Nancy Greene. So, I
19 really appreciate them being here today.

20 So, with that, I will begin.
21 (Speaking in Native language.) Good morning to
22 everyone. My name is Russ McDonald, I'm Chairman
23 of the Spirit Lake Tribe, located in northeastern
24 North Dakota. Since being sworn into office on
25 September 10, 2013, and for previous councils,

1 child protective services have been a primary
2 issue of concern for our tribe.

3 I feel very privileged today to speak
4 on behalf of our Nation, our people, and most
5 importantly, our children. In Dakota, children
6 are called "Wakanjeja" which translates to
7 something like sacred being. They are considered
8 sacred, they are recognized as newly coming from
9 the Creator. On their behalf, I want to thank
10 the Attorney General for the creation of this
11 task force and to all of the committee members
12 for your presence and your efforts to better
13 understand this multifaceted issue for our people
14 and many other American Indian communities.

15 The Spirit Lake Tribe has been
16 highlighted in recent years as a result of the
17 child protection issues experienced by our
18 community. Most notably, in May 2011, we lost
19 two very young children in a brutal homicide and
20 one of the children was also sexually assaulted.
21 An individual is currently scheduled to be
22 sentenced for this crime on Monday, December
23 16th.

24 This past June, we also lost a
25 two-year-old child who suffered a severe head

1 trauma after being thrown down an embankment.
2 The individual responsible has been sentenced in
3 federal court.

4 In each case, the justice system
5 response time is very different in terms of
6 conducting the investigation, prosecution, and
7 resulting indictments. Regardless, these
8 examples, understandably, are indicators of the
9 critical need for all of us involved in tribal,
10 federal, and state governments to continue to
11 prioritize resources to build a foundation for a
12 system that is clearly broken.

13 On October 1, 2012, the Spirit Lake
14 Tribe retroceded a Public Law 93-638 Child
15 Protection Services program back to the Bureau of
16 Indian Affairs due to the inability of the tribe
17 to address serious deficiencies identified in a
18 detailed corrective action plan issued by the BIA
19 in April 2012.

20 Limited budgets, difficulties
21 retaining qualified professionals, and lack of
22 placement options for children in crisis are
23 among the factors that have contributed to the
24 issues that we have faced within our community.

25 Despite having turned back the CPS

1 Program, the tribe continues to administer the
2 Title IV-E Foster Care, Indian Child Welfare Act,
3 and Family Preservation programs under the Spirit
4 Lake Tribe's Social Services Program. All four
5 of these programs are recognized as critical to
6 the protection of American Indian children for
7 many of the reservations throughout the nation.

8 Public agencies such as law
9 enforcement, criminal investigations, and court
10 systems whether tribal or federal, are also
11 critical to the protection of children. These
12 entities are the front lines for many of our
13 communities as they provide the foundation for
14 immediate response, investigation, and
15 prosecution.

16 In regard to law enforcement, Spirit
17 Lake currently has one officer on per shift for
18 all seven days of the week. That officer must
19 respond alone even in what are considered high
20 crime times such as Thursday and Friday nights
21 for a 248,000-square-acre reservation. The lack
22 of law enforcement personnel is an issue that has
23 been raised by the tribe for well over a decade
24 and poses several issues for our office and the
25 community.

1 The first is that an officer cannot
2 leave a call until he or she has closed out the
3 call; therefore, if another call comes in while
4 the officer is out on that call, the second call
5 must wait until the first call is closed out.
6 This is compounded by the possibility that one
7 call may be on one side of the reservation and
8 the second on the other, which is a 40-mile drive
9 for us.

10 The second is that the officer is
11 often not able to conduct a thorough
12 investigation as they are receiving multiple
13 calls. And finally, there is a clear safety
14 issue for the officers when responding to crime
15 scenes without backup.

16 Our people tell us not much has
17 changed regarding Child Protection Services since
18 the retrocession back to BIA. In recent months,
19 the Tribal Council has received one report
20 alleging sexual abuse of a minor that was made to
21 Child Protection Services and that took close to
22 four weeks to be addressed. This matter was only
23 addressed after a family member followed up with
24 myself and the BIA Superintendent. This matter
25 is moving forward in the federal courts; however,

1 the delays in response remain a concern for us.

2 A report of a -- second report of
3 sexual abuse of a child that was submitted to law
4 enforcement; however, despite the fact that
5 tribal laws mandate a CPS report to be filed
6 within 72 hours, I was contacted a week later by
7 a family member and informed that nothing had
8 been filed. I had to inform the community member
9 that they should report directly to Child
10 Protection Services even though we have mandatory
11 reporting laws for law enforcement.

12 More troubling, was that when the
13 community member attempted to contact Child
14 Protection Services on their 24-hour line, there
15 was no answer. Ultimately, our Title IV-E Foster
16 Care Program assisted the individual in
17 contacting CPS and a report was filed.

18 These examples and other anecdotal
19 information from our community indicate not too
20 much has changed since the retrocession of Child
21 Protection Services to be BIA.

22 Additionally, concerns have been
23 voiced by our tribal prosecutor over recent
24 placements of children in relative care when the
25 families receiving the children have not been

1 properly screened.

2 It is unclear whether there is a lack
3 of BIA regulations in this regard or whether the
4 regulations that are in place are simply not
5 being followed. Either way, it is important that
6 we not remove children from one dangerous
7 environment only to place them in another, and it
8 is equally important that there be a means to
9 hold professionals accountable when they are not
10 following existing law and policy.

11 The examples I have provided thus far
12 demonstrate that the issues with safeguarding
13 children are multifaceted and require that we
14 work with and provide resources and support to
15 all service providers including law enforcement,
16 Child Protection Services, and our court systems.

17 These and other issues weigh heavily
18 on the Tribal Council and we have been working
19 directly with federal and state partners to
20 develop action plans related to child protection
21 services.

22 We are strong believers that we have
23 the answers to our problems and change must come
24 from within our communities. The plans developed
25 through this process must have the full support

1 of tribal leadership and we must recognize the
2 role that our unique cultures play in addressing
3 this issue within this contemporary society.

4 Our partners also recognize the
5 importance of community-based initiatives and
6 have been quite supportive through the provision
7 of technical assistance to enhance local efforts
8 to strengthen our programs. Such assistance is
9 critical to addressing the most basic
10 infrastructure needs.

11 A series of meetings have been held
12 and continue to be held since early September
13 with a variety of partners. Scott Davis,
14 Executive Director and Brad Hawk, Indian Health
15 Systems Administrator, of the North Dakota
16 Indian Affairs Commission have played an
17 important role in coordination and facilitation
18 of these meetings. The series of meetings have
19 enabled the tribal, state, and federal offices to
20 discuss a variety of issues including:
21 Funding and resources focused on child protection
22 services and the need to coordinate those
23 activities to effectively keep children safe; the
24 importance of specific language needed in tribal
25 court orders to ensure children placement and

1 state funds for foster care homes; and the Title
2 IV-E Program and the placement of children.

3 In addition to the collaborative
4 efforts, the tribe has conducted a community
5 forum as part of a meeting regarding social
6 service programs. Tribal members expressed anger
7 and frustration regarding the lack of delayed
8 response to the reports of child abuse or neglect
9 filed by themselves or family members.

10 Concerns were directed at Child
11 Protection Services and law enforcement
12 deficiencies. The concerns of the community have
13 been echoed by myself and by many tribal leaders
14 before me. In order to adequately respond to
15 children in need of protective services, we need
16 sufficient law enforcement personnel and
17 sufficient Child Protection Service personnel.
18 Trained service providers are essential to
19 addressing the special issues relevant to
20 responding to Child Protection Service cases.
21 Equally important, is that these providers not be
22 so overloaded with cases that they are unable to
23 dedicate the necessary time to each child in
24 need.

25 Moving forward, our vision as a tribe

1 is to create a safety net woven by our service
2 providers to catch the children in crisis and to
3 provide them with the safety and protection that
4 they deserve.

5 To accomplish and realize this
6 vision, tribes must have: Fully staffed and
7 adequately trained law enforcement personnel;
8 fully staffed and adequately trained Child
9 Protection workers and personnel. This would
10 include an attorney to present cases to the
11 tribal court.

12 Continued federal support for tribal
13 courts. Strong and stable tribal court systems
14 are an important part of enforcing our tribal
15 laws in a culturally appropriate way and are also
16 an important part of making sure that the service
17 providers working in our community are following
18 our tribal laws.

19 Federal support in terms of
20 culturally appropriate training and technical
21 assistance for law enforcement, Child Protection
22 Services, and tribal courts is necessary.

23 Communication and collaboration
24 between law enforcement, Child Protection
25 Services, advocates, and tribal courts to

1 strengthen the overall system response to
2 children in crisis.

3 Cross-jurisdictional collaboration
4 between federal, state and tribal officials
5 available resources.

6 Culturally appropriate detention and
7 placement for juveniles is needed. Many of the
8 juveniles in our court system are children who
9 have been or are being exposed to violence and it
10 is essential that we have access to programming
11 and placements that are able to work with those
12 youth to not only hold them accountable for
13 delinquent acts but also to address the issues
14 that may be underlying those acts thereby
15 stopping what is likely to become a cycle of
16 violence or crime in their lives.

17 Finally, we need support for the
18 development of culturally relevant services and
19 programs within our community that support
20 healing for children and families who have been
21 exposed to violence. Identifying a crisis and
22 intervention is only one step to the ultimate
23 goal of promoting healthy families that are whole
24 and stable. Accomplishment of this goal requires
25 sufficient resources to assist individuals and

1 family counseling, addiction services, and family
2 advocacy.

3 In closing, I would like to thank you
4 for the invitation to speak to you today. I
5 trust this testimony will be taken under
6 advisement to develop the necessary programs and
7 resources that will support not only the Spirit
8 Lake Nation but American Indian and Alaska Native
9 communities as we work together to address and
10 respond to the needs of the children in our
11 communities. (Speaking in Native language.)
12 Ally my relatives.

13 SENATOR DORGAN: Chairman
14 McDonald, thank you very much for being here and
15 thanks to your council members as well.

16 Finally on this panel, we'll hear
17 from Sarah Deer who is an Assistant Professor at
18 William Mitchell College of Law. She is a
19 committed activist in the movement to end
20 violence against Native women. In 2009, she was
21 as an Assistant Professor at William Mitchell
22 College of Law, becoming the eighth woman
23 tenure-track law professor in the United States
24 who is also an enrolled member of her Native
25 tribe. She's an online instructor of legal

1 studies at UCLA Extension and former lecturer at
2 UCLA Law School and is formerly employed by the
3 U.S. Department of Justice in the Office of
4 Violence Against Women.

5 Sarah Deer, thank you for being with
6 us and you may proceed.

7 SARAH DEER: Thank you. (Native
8 Language) Chairwoman Shenandoah, Senator Dorgan,
9 and distinguished members of the Attorney
10 General's Advisory Committee for providing this
11 opportunity to testify.

12 As you know, I was one of the members
13 of the first Department of Justice Task Force on
14 Children Exposed to Violence, and we released our
15 report on December 12th of 2012 nearly one year
16 ago. Our second recommendation was to establish
17 this very task force to more closely examine the
18 unique issues that affect Native children in the
19 United States. I am very happy to see our
20 recommendation come to fruition.

21 I have two goals with this testimony.
22 First, I want to give you some background into
23 the work we did as the first National Task Force
24 and how we developed this recommendation.
25 Second, I want to offer some brief remarks on the

1 topic of children exposed to violence in the
2 home.

3 We had a total of four hearings
4 throughout the country with a theme at each
5 hearing. Our second hearing, held in Albuquerque
6 last January, focused on children's exposure to
7 violence in rural and tribal communities. We
8 heard testimony from several Native youth as well
9 as experts in the movement to address violence
10 against Native children, including Dr. Big Foot.

11 As I recall, this was one of the
12 first times that many of the task force members
13 had been exposed in depth to the challenges that
14 Native children face, and it was an extremely
15 powerful day.

16 We soon realized that Native issues
17 needed much more attention beyond that single
18 hearing, and our final report recommended the
19 creation of this task force.

20 While I can't speak for all members
21 of the Task Force, I can tell you a little bit
22 about my perspective on this recommendation and
23 specifically, what we meant by this question of
24 complexity, 'cause what we said was the first
25 task force could not adequately address the

1 complexity.

2 I see three separate but interrelated
3 issues that create this complexity. First,
4 jurisdiction. Full examine of jurisdictional
5 issues was beyond the scope and the expertise of
6 the first Task Force. And we know that Native
7 children cannot be adequately protected from
8 violence unless and until jurisdictional
9 uncertainty and complications are addressed
10 systemically. This requires a close
11 consideration of legal issues such as inherent
12 authority, jurisdiction over non Indians, as well
13 as concurrent and state and federal authority.

14 Second, I think the Task Force
15 members had a keen understanding of what a
16 government-to-government relationship means.
17 Native leaders rightly expect that the federal
18 government will treat tribal nations as
19 sovereigns and understand this sometimes means a
20 parallel approach to problem solving. A separate
21 Task Force focusing on Native issues is necessary
22 to fulfill the trust responsibility that the
23 federal government has to sovereign Indian
24 nations.

25 Third, Native cultures and

1 traditions, as many of the witnesses today have
2 noted, have powerful lessons and teachings that
3 have provided protection and support for children
4 for thousands of years. So often, our government
5 reports about Native people tell nothing but a
6 sad and tragic story, and I don't mean to say
7 that that story should not be told but we often
8 don't hear about the success stories. We often
9 don't hear about the amazing work that advocates
10 and police officers and prosecutors and judges
11 and elders are doing right now to affect
12 children's exposure to violence. And this is a
13 story for Native people to tell, and I urge you
14 to use this platform to celebrate the survival of
15 Native people.

16 I also wanted to draw your attention
17 to the November 2013 report of the Tribal Law and
18 Order Commission, specifically recommendation 6.6
19 which reads: "Because American Indian and Alaska
20 Native children have an exceptional degree of
21 unmet need and federal government has a unique
22 responsibility to these children, a single
23 federal agency should be created to coordinate
24 the data collection, examine the specific needs,
25 and make recommendations for American Indian and

1 Alaska Native youth."

2 Now this particular recommendation
3 from the Tribal Law and Order Commission,
4 validates the work this Task Force will be doing
5 in the coming year. I believe that there's an
6 incredible synergy right now in the nation around
7 the issue of violence in tribal nations.

8 The current federal administration
9 has prioritized tribal justice and safety unlike
10 any other administration before it. There are
11 many reforms taking place, The Violence Against
12 Women Act, reauthorization, the Tribal Law and
13 Order Act, new and expanded initiatives at his,
14 The Department of Justice, and the Department of
15 Interior.

16 It is almost overwhelming to think
17 about the differences between this administration
18 and prior administrations in respect to Native
19 nations.

20 The only challenge we have now is
21 there a lot of moving pieces. All right?
22 There's a lot of people doing a lot of different
23 things. And so I think one of the challenges for
24 this task force is to make sure that these things
25 are being done in harmony.

1 Now, there are still obstacles to
2 improving the high rates of violence and trauma.
3 I always explain to my law students that it is
4 rare for a system to correct itself overnight.
5 It will be a continuing, sustained effort by both
6 tribal leaders and federal leaders to make
7 long-term changes.

8 Each of us, no matter what our
9 particular title is, has a part to play. If
10 we're moving in the right direction, even slowly,
11 we need to document that. If we need better
12 laws, we need to document that. If we need more
13 intergovernmental coordination, we need to
14 document that. If we establish concrete goals,
15 we can establish concrete progress.

16 In addition, future generations have
17 the right to know about how their ancestors
18 responded in this crisis. That's the reason that
19 this task force is so critical. You have the
20 opportunity to create a blueprint for reform.
21 Your report can be innovative and far-reaching.
22 The recommendations you provide will be taken
23 seriously by the Department of Justice and other
24 federal partners, including the White House.

25 For the sake of Native children, I

1 stand ready and committed to support your work in
2 any way that I can.

3 I would like to say a word about
4 violence in the home, as well. I am particularly
5 interested in the realities faced by Native women
6 who are mothers who are victims of domestic
7 violence.

8 We are all no doubt familiar with the
9 high rates of domestic violence and sexual
10 assault against Native women, and we forget
11 sometimes that most Native women are also
12 mothers, and grandmothers, and aunties. When
13 children see their mother being abused, it is a
14 traumatic event. I have seen systems, as Ms.
15 Hunter noted, that sanction victims for allowing
16 their children to witness this trauma.

17 I hope that the committee will
18 recommend that such laws and policies be highly
19 scrutinized, because they can cause yet an
20 additional layer of trauma for both mother and
21 child. No child should have to witness domestic
22 violence, period. However, the responsibility
23 for that exposure lies with the perpetrator; not
24 the victim.

25 And my last comment has to do with

1 gun violence. We know that suicide rates and
2 homicide rates are very, very high in tribal
3 communities, and many of those tragedies involve
4 firearms. I understand that the ownership and
5 possession of weapons is a highly sensitive topic
6 in tribal communities because of treaty hunting
7 rights and subsistence hunting practices.

8 However, I believe that a solid
9 consideration of possible solutions to Native
10 children exposed to gun violence in tribal
11 communities is a necessary part of the overall
12 picture. And I will say that the first task
13 force report, issued last year, was deficient in
14 that regard. More information about gun violence
15 will help tribal leaders make the decisions that
16 are right for their nations. So I implore you to
17 consider guns in your deliberations.

18 The other issue that I just want to
19 say really briefly was about a Native victim
20 incarcerated. I'm working with a woman right now
21 who is sentenced to 10 years in federal prison
22 for a crime that she committed as a result of
23 high trauma. This same crime has been committed
24 by white women in state court in North Dakota who
25 received probation for the same crime. And so, I

1 urge you also to consider the needs of
2 incarcerated victims in your deliberations.
3 Thank you, again, for this opportunity and I
4 stand ready to answer any of the questions you
5 have.

6 SENATOR DORGAN: Sarah, thank
7 you very, very much for your service particularly
8 on the first commission and now for your
9 testimony today. Questions for this panel?
10 Members of the task force, any questions for this
11 panel?

12 RON WHITENER: I have a question
13 for Chairman McDonald. Mr. Chairman, you talked
14 about appropriate detention for juveniles that is
15 culturally appropriate. Could you describe sort
16 of what your vision is that is culturally
17 appropriate detention and how we would achieve
18 it?

19 LEANDER RUSS MCDONALD: Well
20 first of all, just having some detention
21 facilities on the reservation would be helpful.
22 Right now our kids go off to a facility in Devils
23 Lake which is not too far, about 13 miles off,
24 and we've been working with Devils Lake in that
25 regard and Judge Foughty, he's the district judge

1 there, and he's been pretty good about coming out
2 to the community and meeting with us in regard to
3 this issue.

4 And what we see with our kids is that
5 the fact that we are having a conversation here
6 with our state officials and what we're seeing
7 with the Native kids is that they're being placed
8 in a detention facility and they're not receiving
9 any services at all. They're pretty much sitting
10 in there looking at the walls.

11 And so, I think and what I understand
12 their counterpart that are facing the same
13 facilities are receiving counseling, are
14 receiving substance abuse services while they're
15 serving that same time. One of the discussions
16 that did come up during this break though was
17 that should it be court ordered. And I think
18 that -- in our case, I think that that has to
19 occur. Our ordinances have to be updated in
20 order to make sure that that happens.

21 So, I think part of this is the lack
22 of this -- of our ordinances that we need in
23 order to make sure this happens.

24 EDDIE BROWN: Thank you. This
25 question is for Chairman McDonald. The first

1 question was said by Chairman Taken Alive that
2 programs need to be tribally driven. And my
3 question to that is what exactly does that mean
4 in regard to particularly elected officials? Or
5 what recommendations would you have that as an
6 elected official, to other tribal councils as to
7 what responsibilities or recommendations councils
8 should take in developing a tribally-driven
9 system for addressing violence of American Indian
10 Children.

11 LEANDER RUSS MCDONALD: I think
12 you've heard it today already in a number of
13 presentations or testimony provided for us is
14 that, as I sat in the back and listened, I think
15 there's a theme that's been there that we have
16 the answer to our issues that have to start with
17 our cultures. As a result of the loss of our
18 culture, we're in a situation that we are in
19 right now. And what happened is that the sexual
20 abuse against kids, these sex offender type,
21 these rape actions are truly not a part of our
22 culture. And from what we understand from the
23 stories that they tell us and our traditions is
24 that people that committed those types of crime
25 were ostracized, they were banned from our camps.

1 And so, I think there is culture pieces there
2 within our traditions that we can use in order to
3 build these models that need to be built.

4 For quite a few years there, I
5 conducted research. And in all the research that
6 we conducted, most of my research was in Native
7 communities but it doesn't matter if you're going
8 into a Native community, a rural community, inner
9 city, is that you have to have alliance within
10 that community. (Inaudible) you have to
11 recognize the community expertise. And as
12 researchers, that community is the driving force
13 for that research that is conducted. Whether
14 you're a Lakota, Ojibwa, whatever culture, it is
15 your background, whatever you come from, German,
16 Russian here in North Dakota, whatever culture
17 you come from, you have to have alliance within
18 that community. And that's what needs to happen
19 in regards to intervention or any type of work
20 that's being done, including our ordinances and
21 policies for our tribes.

22 EDDIE BROWN: Can you be a
23 little more specific as to recommendations that
24 you think a tribal council should actually take
25 in support, to be tribally driven. You mentioned

1 one but are there any other recommendations you
2 would have to tribal councils?

3 Well, I think for all of us is that
4 maybe, I can only speak for myself, I can only
5 speak on behalf of our own tribe, is that we are
6 hesitant as individuals in order to say what
7 needs to be done and I can see today even your
8 committee here, is that what's happened is you
9 assign a group of people from your community who
10 we believe are experts within that area and you
11 ask them pull this together and how we're going
12 to approach the particular issue, regardless of
13 what it is.

14 And I think for Child Protection
15 Services, we will continue to build an
16 infrastructure. For us and we're relying, I think
17 for the most part, on Native, because of the
18 policies at the state level that we need to
19 adhere to in order to make sure that the work
20 that is done in our community -- that funding is
21 available for that work that's being done in our
22 community. So, we have non Natives there -- you
23 heard it again this morning, is that if we are
24 going to bring people from the outside, in order to
25 do this work, we need to be sure that there has

1 to be some type of cultural component for those
2 outsiders who are coming into our community.
3 Those of us that lived there are already -- I
4 think it's not only for us but some of those who
5 come back into our communities as well.

6 And I think the things that need to
7 be -- more culturally -- when people come to our
8 house, we talked to them. Somebody comes in, you
9 sit them down, you give them something to eat,
10 and if you don't have anything to eat, then you
11 give them a cup of water, something to drink or
12 a cup of coffee or something like that. And
13 that's part of our culture. People don't realize
14 that. I think they naturally have it in them
15 already. We recognize our elders as the keeper
16 of our culture and we rely on them for that and
17 we see our children as sacred. As we respect our
18 elders for all that they've done. All those
19 things that are naturally done in the Native
20 communities come to bear when they develop these
21 things

22 But what happens I think sometimes,
23 especially with my background in sociology, I
24 didn't know I had culture until I went to school
25 and they say you've got culture. I come to

1 realize that we all have our own culture and that
2 has to be implemented. I know you are asking for
3 a more specifics on that but I think that has to
4 come from the individual community and that
5 specific group.

6 SENATOR DORGAN: Let me tell the
7 task force, we'll have two more questions very
8 quickly and then I'm going to introduce the
9 Associate Attorney General before we break for
10 lunch. We had to change that schedule because he
11 was in Minneapolis and I will talk more about
12 that. Two quick questions, I understand and then
13 we will go to Tony West, the Associate Attorney
14 General.

15 VALERIE DAVIDSON: I wanted to
16 ask you about how we change the perception of
17 crimes and violence against children. And I want
18 to use an example, if I were a person who broke
19 my ankle and went to an emergency room, children
20 hear things like don't talk about it, they blame
21 the family and they blame the community. It
22 would be like somebody telling me don't tell
23 anyone that your ankle is broken, just keep
24 hopping around, nobody will notice, nobody will
25 judge our family, they won't judge our community.

1 And not everyone lets their ankle get broken.
2 Good families and good communities don't allow
3 these things to happen. That's one perception.

4 The other thing that we do is we
5 question their story. Is your ankle really
6 broken? You can walk, can't you? Did this
7 really happen? We do things like we blame the
8 victims and others and that broken ankle example,
9 what were you wearing when this happened? How
10 are you acting? Where was your mother and your
11 other family members when you fell down and broke
12 your ankle?

13 We do things like we focus on
14 prevention without focusing on other treatment.
15 We say things like, in the broken ankle example,
16 next time just be more careful. We're going to
17 teach you how to walk more carefully without
18 actually taking the time set the ankle. We
19 inflict further trauma and we say things like,
20 well, you know, I'm sorry you broke your ankle
21 but say good-bye to your mother and your siblings
22 because they weren't able to keep your ankle from
23 getting broken.

24 And then my favorite, in Public Law
25 280 states, we say things like I'm

1 sorry, we've come to the wrong emergency room, we
2 can't help you even though we can see that your
3 ankle is broken and even though we're the only
4 provider in the community. Hearing that
5 example, the emergency room, is that they know
6 that the only one available in their community is
7 the tribal court under the tribal system which
8 they are not allowed to access.

9 And I think sometimes when we talk
10 about child abuse, we sort of think that some of
11 those notions are somehow okay and they're
12 acceptable and even if you don't say them,
13 children hear those messages. But I think when
14 you contrast it with something like somebody fell
15 and they broke their ankle, and you say it with
16 another example, you realize how ridiculous they
17 sound and it helps to illustrate the differences.

18 And so, my very long question,
19 example and question to you is: What are some
20 strategies that we can use to get past that so
21 that children hear what we need them to hear,
22 that it is okay to go and report and it is okay
23 for families to be able to address their families
24 and also in our communities and that we are
25 empowered to do something about it?

1 LEANDER RUSS MCDONALD: All I
2 could think about while you were saying that is
3 that sometimes we need one of them to bring this
4 issue up. If that community doesn't have those
5 resources, law enforcement, judicial system, and
6 Child Protective Services to respond to that
7 issue that this family, that this child has
8 brought forth, we need that. That has to be
9 there. And create that safe environment to those
10 children in order to share that story.

11 LINDA THOMPSON: I think we have
12 to do education in our communities and with
13 parents and anybody who will listen about the
14 truth about victimization. That in no way,
15 shape, or form is it ever the victim's fault for
16 what happened to them.

17 Also, there is a lot of shame and
18 embarrassment because of misunderstandings about
19 victimization, and a lot of people own that as
20 somebody going to look at my family
21 differently or they're not going to trust us,
22 they're not going to like us. You know, they
23 just have all these other -- in some cases those
24 are true because there is such misinformation and
25 misguidance. So, I think just the education,

1 getting the information out in the community,
2 Good Health TV, and posters, and seminars, and
3 community meetings and making sure we're living
4 that, as examples for our community and that we
5 are not a part of that problem of continuous
6 victimization.

7 Just one quick idea, I don't know if
8 this is feasible, but, you know, in the interim
9 before we fix this, and it's going to take a
10 while to fix it, maybe there needs to be some
11 kind of a national hotline or a place, 'cause
12 there is a lot of tribes that don't have
13 services, and so where do those families go? And
14 maybe there could be some kind of clearinghouse
15 or national hotline where tribal people that
16 don't have access to services in their community
17 can contact and get information about what they
18 want to do next. Ideally we don't need that in
19 our communities, but maybe in the interim, that
20 could be one thing that could happen.

21 DELORES SUBIA BIGFOOT: I like the
22 idea of a hotline. Going back to what happens
23 with youth when they are in these home situations
24 and they, you know, get exposed to different
25 kinds of violence and they end up doing things

1 that are legally wrong, so they vandalize, they
2 do something, and Dr. McDonald, you know, what we
3 need is more detention centers. When you said
4 detention centers and I just cringed. I cringed,
5 you know. And I don't think that that's a
6 solution. I really -- Eddie was asking what
7 would be culturally-based services. I think this
8 is where we're, you know, at the place between
9 the hard rock, whatever it's called, and this is
10 where we're going to start saying we can't build
11 more detention centers. We don't need more money
12 for detention centers.

13 We really have to look at how can we
14 provide better services in ways that are
15 culturally appropriate and more responsive to the
16 youth that have these kinds of needs. How many
17 tribes have active societies that know with our
18 -- I have to acknowledge my Cheyenne affiliation
19 -- we have men societies and women's societies.

20 You know, these are the things that
21 helped to -- with the self-regulation that we
22 need for our children, self-discipline through
23 these societies. How many of your tribes have
24 clans that are still very active? How many of us
25 have opportunities to learn that -- how we fit in

1 with our relations, with our relatives? And, you
2 know, and how we fit in with those relatives,
3 that's how that accountability and shaping and
4 responsibility comes about.

5 And so, I would really challenge our
6 leadership to start thinking about ways that we
7 can start rebuilding some of this because more
8 detention centers are not the answer. And I know
9 you said that in a way to be helpful. I would
10 just like that challenged.

11 LEANDER RUSS MCDONALD: Thanks
12 for bringing that up and one more idea that's
13 been shared in our community and general
14 assemblies a few times was both from an elder and
15 a parent. And there was a family development
16 center back in the '70s and that family
17 development center -- what happened was that the
18 whole family would end up in treatment and the
19 families throughout the -- the mother and father,
20 throughout the day or single parent possibly,
21 would do the counseling and the kid would go to
22 school, they would have family oriented
23 activities at night.

24 So I think along the lines -- I hear
25 your comments to that, and I think that's a

1 possibility for them because what we're seeing in
2 the data that this stuff is intergenerational and
3 people are learning these activities that becomes
4 a norm for them. And so we have to break that
5 cycle and it truly has to be a family approach
6 because of what we're doing, we put these kids
7 and we get them well, and they send them back to
8 the same environment that they're in and they, at
9 that point begin drinking or using back, in the
10 trouble again.

11 So we have to break that cycle and
12 that's one possibility.

13 SENATOR DORGAN: I think all of
14 us or any of us who have seen a 15-year-old young
15 boy drunk laying on the floor of a detention
16 center with adults in the middle of an open cell
17 with 20 people in it, you think to yourself, how
18 can we do that to a 15-year-old kid. Yes, the
19 kid is drunk, but we put that kid in a detention,
20 a circumstance that is totally inappropriate for
21 that kid, and that's why there does need to be
22 more detention centers, but the more significant
23 effort as you suggest is to do the things that we
24 need to do to try to help keep people out of
25 detention centers.

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