

Panel 2: Tribal Leaders' Perspective Concerning Alaska Native Children Exposed to Violence in the Home, Community, and Juvenile Justice System Response

Joanne Shenandoah: Senator Dorgan, at the moment, is tied up with the press. So, I'm going to jump in here for him. Good afternoon and thank you for being here everyone who took the time to spend with us in the advisory committee and the Department of Justice and Tribal Law Policy Institute. We're going to start off right now with Jacqueline Pata, Tlingit, Executive Director of the National Congress of American Indians. Please note that Miss Pata, excuse me, will have to leave shortly after her testimony. And if there are any questions by the advisory committee we would like you to step forward right after her testimony, and we will get started. Jacqueline Pata, please begin.

Jacqueline Pata: Thank you. [speaking NATIVE LANGUAGE @ 00:50_1002]. My Tlingit name is [speaking NATIVE LANGUAGE @ 00:57_1002] and as you said, my English name is Jacqueline Pata. I'm the Executive Director of the National Congress of American Indians, the largest, the oldest Native American advocacy organization in Washington D.C. created in 1944. But in addition to being the executive director of NCAI, I also am a woman, a Tlingit woman who was raised and lived most of my life here in Alaska. I'm a mother and I'm a grandmother. And I would like to share just a little bit about some of the work in Alaska that I think really paints the environment for where NCAI is going and why these issues around children are a passion of mine and a passion of the organization.

When I grew up I was—could fit into the statistic set have all been talked about today, in every shape of the word. But when I was a young woman my great elder and chief of my clan took me aside and asked me to work with him to develop one of those camps that was talked about today by Tony West. And, so, for seventeen years I assisted my clan elder in running a camp for vulnerable children. And we had a camp that was a culture camp that taught them the language, the culture, the beading, you know, all the spirituality that we needed to do. And, so, like other governments, tribal governments, we were looking for resources within our own means to be able to do something to address the needs of our vulnerable children and vulnerable families and having those limited resources.

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Later on, in my career, I moved onto Department of Housing and Urban Development and children and youth issues still were a passion of mine. And, so, we took from 12 Boys N Girls Clubs and by the time I left there we had over 200 clubs in Indian country. And, once again, it was trying to be able to find places for our kids to find safety, our kids to be able to find a home sometimes when a home didn't exist for them, and to be able to find the nurturing that they needed. And it was one of the Boys N Girls Clubs meetings, advisory committee meetings, that I heard from one of the workers at the Boys N Girls Club that said Indian country's children has seven times the—seven times the access to—experience trauma, excuse me. Seven times more than a non-native child in a year. And I simply felt that that just was not acceptable.

And, so, as we move forward with the work that we do at National Congress of American Indians, we decided that we really did believe in the 7th generation and that the work that tribal leaders do is really about wanting to be able to make sure that there is a nurturing place for the children and the children's youth. And I'm going to talk about that in just a little bit. But I want to be able to say that tribal governments recognize that they have a responsibility to their citizenry, all of their citizenry which include the children and the youth. And, so, several years ago NCAI sat down with NICWA and NIHB and NIEA and we pulled together for a historic board meeting. And at that historic board meeting, we said—in fact, I think President (Gill @ 04:28_1002) was there and I recognize others in the audience that were there at that historic board meeting—but we said we must do something different, that we need to have a paradigm shift at home – that we need to be able to make sure that we can create policies that really recognize, that nurture our youth and that we create a special place for them.

And, so, within our institutions we all created various different pieces. NCAI strengthened its youth commission. We created a youth cabinet. Other organizations tried to do what they could do and, yet, we still recognize there was a

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responsibility on the ground. And, certainly, the good work of Senator Dorgan and his institution have all been very helpful.

So, tribes are very cognizant of their need to create a safe environment for their children and for the youth and to be able to address the violence in their communities. I think that you saw that when the Violence Against Women Act, the issues about trying to amend the Violence Against Women's Act, to bring Native women, to protect Native woman and bring them in a safe place, it was led by the Native women. It wasn't led by the politicians. It wasn't led by the people in D.C. initially, it was led by the community leaders. And the community leaders have said we need to do something different. So, I'm here to tell you that the community leaders are saying it's time for us to do something different with our children. That the violence that they're exposed to and the trauma that they're experiencing is something that we—that is just not acceptable. That many of our parents, like my parents, my mother went to boarding school, all came from an environment where they experienced those traumas and then it created a cycle, a cycle that's not acceptable for us to continue.

And one of the tribal leaders, as you heard from Brian Cladoosby testimony, we're asking for support and resources. But, clearly, the tribal leaders, as they've always said, is under self-determination we have the answers. Listen to us, talk to us. Let us be a partner. Let us sit down and to be able to provide those comments and those ideas. You know, NCAI thoroughly supports the testimony today of NCWA. NCWA has the experience and the answers but they also have the data that actually really spells out what those needs are. Today, when we are here at NCAI, we're here in Anchorage. We're experiencing our conference here in Anchorage, and throughout this week this was an issue that tribal leaders talked about. They talked about the issues of children. We had even a conversation around the children's agenda. They talked issues around strengthening their governance about what are we doing with the implementing the Violence Against Women Act.

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What are we doing about implementing the Tribal Law and Order Act. How can we move forward on those provisions?

But another thing that tribal leaders did while they're here today in this week was they said how can we stand with our Alaskan brothers and sisters? Because this week, the tribal leaders from the Lower 48 experienced something that many might not have known before but they saw and they heard about the remoteness in their communities. Their challenge is the access to the basic necessities of life, food, energy, warmth, comfort, potable water, sewer systems. All of those things that create stresses in families and stresses in communities. And then the remoteness and the inability to be able to access the—have access to jurisdictions that provide that safe and living environment. Today, we heard a woman cry for help. It touched every one of our heart. The membership stood with her and they said a prayer because she came with a heavy heart of another young child, another young child that committed suicide – far too many in the State of Alaska. And inside of me I felt like, no, we have to have a war on this suicide and, yet, we know that is just a symptom of a bigger cause.

So, tribal leaders are asking that we invest in this, in the cause. That we invest in the infrastructure that's able to find the solutions that we need; that our goal is not just to create a net for when they fall, but our goal is to be able to create a foundation, a concrete foundation that's going to be there, for a stronger government to be there. And, so, NCAI by resolution has supported various initiatives, particularly, of the Alaska tribal governments. We support trying to find the... excuse me. We support the repeal of 910, to be able to address the Native women and children under the Violence Against Women's Act. We support the land into trust for Alaskans so that they will be able to have clear jurisdiction and to be able to have their tribal courts honored and to be able to address the jurisdictional issues that was recommended in the Tribal Law and Order Act. We support moving forward with engagement and consultation in the President's Consultation Act – to be able to make sure that the local voices are there so that when we talk about tribal

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jurisdiction and tribal court judges, the tribal leaders are there. The tribal leaders are giving the recommendations and tribal leaders are part of the process.

But we also recognize that we are part of the solutions. That it's not just the federal government that we seek for dollars and policy changes, but we are part of the solutions. And, so the tribal leaders gather together, made a choice to go one step further on the children's agenda. And with these organizations and with all of the people in Indian country, we're beginning to launch what we call First Children's First— First Kids First, an initiative to recognize the indigenous children and put them first in our lives. Because you talked about here today and other people talked about here and they said there's all these various issues and there's so many things that need to be done. But there are simple things that can be done too in addition to just looking for the politicians and the federal agencies and the tribal leaders to make decisions that we all need to take personal responsibility. And First Kids First is about taking personal responsibilities. It's about each one of us having, taking ownership, to be able to raise and to lift up the children that are in our lives no matter how we connect with those children. And, yet, we recognize that there needs to be some tools to be able to do that.

And, so, NCAI with our partner organizations reached out to a gentleman who is working on developing curriculum for the Department of Defense to the children who are affected by post wars—by the... sorry, the children are affected by the trauma that's come to their lives because of their family and the issues of losing loved ones or their fathers or their mothers overseas. And when we talked to Dr. Ginsberg, he worked with us. In fact, we had several sessions across the Indian country where we talked about and worked with children, and worked with children that were in traumatic situations. But also the caretakers and those that worked with them. And in that environment, we came up with some solutions and some recommendations and we're beginning to develop a curriculum. And it's not a curriculum for just social workers to come in. It's not a curriculum for the mental health workers, although those are very, very important to this. But it's a

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curriculum that says we individuals, every one of us, can take on a role and responsibility. We might need to know a little bit of tools. We might need to have a little bit of information so that we make sure that we're providing this sharing a nurturing environment. But we all can take that responsibility. And, so, we look forward to moving that forward.

We also recognize that healthy lifestyles is very much a part of the children's agenda. We recognize that safe and supportive environments is a part of that. We know that successful students have support where we need to go and, obviously, a stable community. So, when we look at just the—at the issues about violence in children, we want to talk not about just what's wrong and what the challenges are, we want to focus on the solutions. Because if we're ever going to get somewhere, we have to take those first steps, and those first steps can't be that complicated. We can take simple steps to keep moving and moving forward. The tribal leaders have put together in our testimony as well as in their statements, and I just want to remind you of a couple of those recommendations that really we need to invest in the local response, being able to make sure that we invest in things like the Family Safe—the Family Safe—sorry, the — Family Safe Alaskan Communities Act. I got that messed up. But you know what I'm talking about. And then we recognize it's not everything but it's the beginning and it's the beginning of governments having to work together and then have—governments having to have cooperation together.

But I totally agree what was said earlier by Troy Eid about governments respecting each other. It's not that one government is supreme over another government. It's that all governments needs to have parity and they need to recognize tribal governments with that same parity. But we want to be able to repeal 910; that we want to be able to make sure that youth voices are involved in whatever solutions that we put forward. And, in respect to that, NCAI created a youth cabinet project for a couple of years. We're

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looking at how do we get—how do we better engage youth voices and how can we recognize youth voices in the tribal governments, in the tribal political environment? How do we create the advocates on the ground?

We also know that we want to support and have support programs and support systems, including those that build resilience such as the one that NCAI is talking about. And, then, of course, we want to be able to have training for those that deal with our children everyday so that they will have this kind of technical experience that's necessary. So, with that, I'd like to thank you for allowing me to be able to give a brief testimony. I know that my written testimony is in the record. And I want to thank you again for not only having this youth... this commission, but making sure that this commission came to Alaska to be able to address the significant needs that are part of your children and my children. Thank you. [speaking NATIVE LANGUAGE @ 14:55_1002].

Sen. Byron Dorgan: Thank you very much for your testimony. My understanding is you have to leave, is that correct, at this point?

Jacqueline Pata: I have a flight, yes.

Sen. Byron Dorgan: All right, are there any question of Jackie at this point? I see none. We will especially thank you for your testimony and I think I speak for everyone on this task force that we thank you for your continuing leadership at the NCAI and for Indian country generally. You and I have worked together for a long, long, long time. I think you have extraordinary talent and I appreciate your work, and thank you for being with us today.

Jacqueline Pata: Thank you and I just want to say as I leave that, you know, as we have with every other act or every other implementa... issue that's addressed Indian country such as the implementation of the Tribal Law and Order Act or the implementation of Violence Against Women Act, the NCAI stands ready to serve. We're looking forward to your report. We're looking forward to being a partner and to be able to see what we can do to further the good work. And I'm

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pleased and I know every one of you are, been my friend. And, so, we're looking forward to being of assistance. Thank you. . [speaking NATIVE LANGUAGE @ 16:00_1002].

Sen. Byron Dorgan:

Thank you very much. Well, thank you. And we had on the schedule, testimony by Victor Joseph. My understanding is Jerry Isaac is going to present that testimony. Jerry Isaac is the vice president of his NACA Chiefs Conference, Athabascan tribe, as I understand it. And Mr. Isaac, we really appreciate your being here and you may proceed with your testimony.

Jerry Isaac:

Thank you, Senator Dorgan. Correction—I'm the National Congress of American Indians Area Vice President for Alaska. I was the president of TCC up until March 13th. At that time, Victor Joseph was elected to replace me as the new president of the Tanana Chiefs Conference. And I also would like to thank the Tanana Chiefs for paying my way here which otherwise I would not have afforded to do and am very thankful to you to bring this hearing here, as there is great problems in Alaska that cannot find a solution without coordinated cooperation. I know it seems to me that, you know, somebody just thought that they could put a Ford engine into a simple, little wheelbarrow and that the engine would operate that wheelbarrow.

There are fundamental problems that contribute to this Native American issue in America as most recently identified by the Law and Order commission chaired by Mr. Troy Eid. There was other studies done before. The Alaska Native Commission did a study in the past pointing to the same similar problems and issues. Justice Thomas Berger back in the early '80s did the same thing. Conclusion was basically the same. However, let me risk that at this point, and I don't have a written testimony so your people are going to have to transcribe my testimony.

I was born and raised in the Native Village of Tanacross, six- and-a-half hours drive northeast from here until you get to Tok, Alaska, and then you drive towards Fairbanks, northwest for 13 miles. And I live on the very few villages

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that are what they call road connected. I wasn't born in olden times nor was I born just recently. But I have seen issues. When I was a small boy, a drunken man broke down my grandfather's house in whose house I lived, and created such a very terrible situation there trying to fight with my grandfather. I was a small boy—three-years-old. Senator, I remember that.

I also saw a woman, married woman who was given drink by unmarried young men, her and her husband. Her husband passed out and the young men had their way with the woman. Senator, I was six-years-old. These are the stuff that I grew up with. And for a time, I tried to emulate that because nobody cared. Women were objects, to be controlled, to be overcome by men. The local chiefs, the local councils were powerless to stop this. And when the state police were informed they did their investigation but nothing became of it. I saw a woman who had enough of abuse—seven children—walk into the Tanana River in September with the intent to drown herself. Senator, I was 12-years-old when I seen that. Right after that, two years after that, that same woman, her husband stabbed her. I seen the stabbing.

These are the social issues that we face in our communities, all because the State of Alaska proclaims state's rights issues over tribal governments. And, yet, when we need the help, the help is not there. I'm a fiercely American man. I'm a strong and proud Native American. I only believe in equality. I only believe in fairness. Equal protection under the law. But sometimes I believe, I truly believe that America has got such a difficult time living out its true creed. I cannot believe that the allegiance that I have towards the country that I feel so great can systematically discriminate one American from the other. Senator, I'm only an American. I do believe in law and order. I will protect the society in which I live. But I also would like to be subject to the same laws as anybody else. I want to enjoy the rights afforded to every American like anybody else.

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We try to address issues, and I use this analogy. We try to address a hundred dollar problem with five dollars. How possible is it to achieve those goals? And, yet, because of political philosophical differences, our government, each year, less and less dollars. Now we have trust responsibility relationship with the federal government. And I know that federal government has got fiduciary duties to its Native American citizens. All I'm saying is for our country to honor those agreements in good conscience and good spirit. Because it's the right thing to do. Not because it's a political volleyball that could be slapped around from one extreme to the other, but because it's the right thing to do, only the right thing to do.

Funding sources for child protection are so inadequate that it amounts up to a hundred dollar problem with our efforts being five dollars in value. The reason I tell you the story about what I have seen as a small boy was I tried to emulate those men when I was young. I thank God that I've found a lady who had decided to be with me, to bear my children, and I saw my first child born. Never again after that will I ever look down upon a woman. In March 2006, I became president of TCC, the chiefs in the interior region chose me out of five candidates to be their leader. Five months after my election, my mother died. That same month, my late wife was diagnosed with cancer. In November of that year, eight months into the presidency, my wife died. All of a sudden, I was faced with being without the two women that meant the most to me in my life. And under those conditions, yet, I had the responsibility to lead 37 tribes. It was no easy task.

And each time I go to the villages I see abuse. I see lack thereof of everything essential to providing protection. And promotion of health programs to our women and children. I don't say this so that I can give you a portrait of poor me. I'm giving you a realistic portrait of conditions in our villages. For so long, we kept saying tribal sovereignty because the state didn't have the resources to provide the needed protection. It was also driven by attitude that the state is one state-one people. I'm a Native American. I'm different. I wanted to end my testimony with asking you if you ever

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heard this. [PLAYS SONG]. That is Native American belief, in the creation that God Almighty has set man on this earth to be equal. It's all we ask. Thank you.

Sen. Byron Dorgan: Mr. Isaac, you have a very powerful voice and a very powerful message for this task force. And I think more than almost anyone I've heard over the many years, you have described the soul of a child that is burdened by indescribable violence and tragedy, and we thank you for being here and discussing your thoughts with this task force. Let me finally turn to the next presenter on this panel, Richard Peterson. Richard Peterson is from the Tlingit Tribe. He is the president of the Central Council of Tlingit and Haida Tribes of Alaska. I hope I've pronounced that correctly, Mr. Peterson.

Richard Peterson: No, sir. But because of my great admiration of you, I'm not offended at all.

Sen. Byron Dorgan: Well, despite your admiration, can you correct me?

Richard Peterson: Thank you. I am Tlingit and Haida and pronunciation actually link-it, but written Tlingit. And, first of all, I'd like to thank all of you for being here. This is obviously a very heavy topic, one that affects us all greatly. But we welcome you to Alaska with open arms and gratitude for coming to hear our pleas. So, my name is [speaking NATIVE LANGUAGE @ 31:25_1002]. I am Kogan-tan of the Eagle Wolf of the Eagles Nest House. In deference to the IRS, I go by Richard Peterson. So, I'm the elected president of Central Council. Tlingit and Haida, a federally recognized Indian tribe representing over 29,000 tribal citizens nationwide. Central Council serves 20 villages and communities spread over 43,000 square miles within the southeast Alaska panhandle where approximately 16,000 of our tribal citizens reside. Over 20 percent, 3200 of our tribal service population live in the Juneau area alone. Our service population is one of the largest, most isolated, and most geographically dispersed Native or tribal populations nationwide. Central Council also serves other Alaska

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Natives who are drawn from all over to Alaska's capitol city of Juneau where our main tribal headquarters is located.

Roughly the size of Indiana, the southeast Alaska region is an archipelago of a thousand heavily timbered islands, mountains, glacial fjords and inlets reachable solely by boat or airplane. Our Tlingit and Haida people, our families, clans and tribes, have always lived on these sacred wonderful lands and waters of southeast Alaska as its original occupants and guardians. For centuries, we thrived on its lands and waters as mariners, fishermen, hunters, gatherers, and traders. But, today, those resources have been overrun by others or placed out of reach by regulations and laws—all not written by us. The loss of jobs, decline in fishing, high cost of fuel has burdened many of the isolated rural communities in our region who survive with bad weather, tough terrain and limited transportation and information infrastructure. Consequently, many of our younger citizens are fleeing the villages for urban centers like Juneau, Ketchikan, Anchorage and Seattle arriving with little cash and few job prospects.

We face a growing crisis of dysfunction in our clans, villages, and tribes caused by domestic violence and child abuse and neglect and related high rates of alcoholism, illegal drug usage, poor health, and alarming high suicide rate and asperity, high incarceration rates. This dysfunction is facilitated by the federal and state regulations that have destroyed our customary and traditional lifestyles. This dysfunction is adding modern day trauma to the historical trauma our citizens bear from decades of loss of land, water, and the natural resources that have always provided for our sustenance. Our children are disproportionately represented in all data systems that measure dysfunction. At the same time, we are refused adequate funding and authority to flexibly manage our own programs according to our culture, values, and needs. These impacts began with the original sin of a national policy and practice that shipped our children away to schools in far-flung states where they were sent to breed out the Indian.

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Our children today continue to suffer from this crisis legacy caused by the direct and intentional acts of our trustee, the United States. I ask this task force and the U.S. Attorney General why does our trustee decline today to acknowledge its responsibility for our crisis by making our tribal government programs a top national funding priority. I'm astounded that tribes like Central Council with our historical trauma and with our staggering statistics of dysfunction must struggle to get what amounts to scraps of federal funding for our frontline tribal programs in defense of our children's welfare. Central Council presently administers over 40 grant programs providing direct services to tribal citizens in the areas of childcare, child welfare, economic development, education, employment training, Head Start, social services, Tribal TANF and vocational rehabilitation.

As a member of our governing body, I am proud of our abled program staffers who have worked so hard to expand and efficiently deliver services in the face of our overwhelming need. Our struggle is made all the more challenging by our geophysical realities. Most of our southeast Alaska communities are connected only by ferryboats or small planes. There are very few road connections. If a domestic violence incident occurs in any of the other outlying communities or villages, the victim's safety is at great risk because our limited police and village public safety officers must cover a huge territory. We have just three secure women's shelters in Juneau, Ketchikan, and Sitka in our region. If female victims in other communities seek to leave for safety purposes, doing so requires very public and often delayed travel by plane or ferry. Few Department of Justice programs are available to help us respond to perpetrators of domestic violence. Few small communities have the resources to provide counseling services to battered, batterers and victims, let alone, child witnesses or victims of domestic violence.

Many young families are leaving their small villages to move to urban areas to gain access to educational training or job resources. When they do so, they leave behind the support systems that help them cope in the past. One of our most

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precious systems in southeast Alaska is our clan system with our matrilineal society by which we derive our identities from our mothers. Because of our historical trauma, however, some of us can trace our lineage only to the early 1900s. I'm proud to say that while our lineage documentation may be fragmented, our clan system and culture is not. We are persisting in surviving by reviving our cultural ways, our languages, and our pride. This is reflected in our children. Our young adults are participating in the revival of our languages through the University of Alaska and clan and tribal structures.

The funds we received from the U.S. Department of Justice help us provide a sharply limited response to domestic violence and its impacts in our communities. While we are truly grateful for any help no matter how small, I must, in all honesty, say that the funding we receive from DOJ has been a drop of relief in a very large bucket of need. Department of Justice grant objectives often do not fit our tribal priorities at the time and there is little flexibility either in the grant competition or administration to bend federal priorities toward our actual local tribal priorities. It feels like we are told we must push a square federal peg in a round tribal hole. DOJ grants don't allow us to address the many causes of domestic violence and they focus more on violence against women than on child abuse and neglect. Yet our crisis of dysfunction involves our whole family and community. Our current needs include youth and adult correction services. Our need for federal help to make our State of Alaska comply with the Indian Child Welfare Act requirements when our youth are caught up in the state correctional system based on status offenses.

We need DOJ funding to provide rehabilitation services to our youth on probation are held in a detentions facility. With DOJ funding we could provide case management and culturally appropriate services that encourage youth and parents to follow the case plan. As of the 2010 census, Alaska Natives and American Indians represented 19.5 percent of the total population in Alaska but we are disproportionately represented in child abuse and neglect

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and incarceration statistics. For example, this past April, the Alaska Department of Health and Social Services, office of children's services reported that 130 of the 230 substantiated victims of child abuse or neglect were Alaska Natives or American Indians. That's 56.5 percent. Of the 2,106 children in and out of home placement as of April—1,319 were Alaska Native or American Indians. That's 62.6 percent.

Last year, a state report found that 37 percent of the children refer to the Division of Juvenile Justice were Alaska Native or American Indian. These are grim statistics my tribe must confront every day. We are trying to respond but we lack the financial resources to provide culturally appropriate services. You all have my written testimony but I think, you know, numbers and words sometimes have little meaning. And, so, I'm going to do something I'm not comfortable with. I want to share something with you. I'm clinically described having post traumatic stress syndrome and I'm going to tell you why. A little over ten years ago, my best friend in life, a man I called brother, due to lack of opportunities both with financial or the jobs, succumbed to the pressures of drugs and alcohol. I watched this young man who was my best friend in my life, who was a young father, who was somebody I looked up to because of his desire to be a good man and a father and provide for his family, become somebody I no longer recognized.

I watched him become a complete stranger. And in doing so, becoming violent and not himself. I was forced to intervene. When I watch him high on methamphetamines who had not—he hadn't slept for four days, I was called. I had been out of town traveling for my tribe, and I got home and my mother called me, you have to do something. Walter is out of control. I went to his house and I watched a man—you have to understand, I came from a family—yeah, I've seen domestic violence. Both of my parents have many brothers and sisters but I've never seen my father raise his hand to my mother in my entire life. I'm blessed with two wonderful parents. I watched my best friend, a man I loved like a brother, that day strike his wife, punch her in the face.

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I tackled him and held him down. They had to get all of his guns out of the house.

He had many, many guns. And we didn't get all the guns out and he went on a rampage and I was the only one that could stand up to him while he was trying to shoot his wife and his children. It took law enforcement over four hours to get to my village because we have—that's the conditions of rural Alaska. The abuse is real. I can't put into words what it means to watch somebody you love devolve to that level. Can you imagine somebody trying to shoot your loved ones because they've turned to drug and alcohol and their response to having no opportunities, no jobs, years of historical trauma? It's not anything I wish on anybody. It's something that we need to address. We ask your help. I ask you all to remember the challenges, as you leave our homelands, that we face here. [speaking NATIVE LANGUAGE @44:41_1002].

Sen. Byron Dorgan:

Mr. Peterson, thank you very much for your testimony and I think all of us recognize that these things are very difficult to speak about in public and—but having said that, I think you and Mr. Isaac contribute a great deal to this task force and to a better understanding of what is happening and what the challenges are and what the struggles are. So, we very, much appreciate your opening up to share that with us today. That is a difficult thing to do but both of you have done it in a very important way. I'd like to ask whether there are members of the task force that would like to ask questions. Valerie.

Valerie Davidson:

[speaking NATIVE LANGUAGE @ 45:37_1002] for your testimony and telling your own story. I think one of the challenges we have is that a lot of people don't understand that the average village size in Alaska is about 300 people. And, you're right, we are far away. And I'm just curious, what would have made a difference for you, Jerry? And what would have made a difference for you, Rick, for your friend? What would have made the difference? What resources do small communities, like the ones that you grew up in, need to be able to stop this?

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Jerry Isaac:

Thank you. Enough funds to not only run programs but to do—you know, preventive types of programs—counseling. Not only that, since law enforcement is so faraway, you know, the tribal governments need to be recognized to have the sovereign authority to have law enforcement in their communities. There's a lot of issues about protection of individual citizens' rights but, you know, most Alaska Natives, Native Americans, are not treated equally under American judicial system, as well. So, I can see no point in that concern. So, you know, tribal courts, child custody, child protection services, this stuff, need adequate repetitive funding. I mean, you know, I came to even believe that instead of being subject to yearly funding debates in our governments, that they need to be funded on a advanced level. The other thing is giving the recognized respect of local leaders and elders so that, you know, because the reason I played the Native American tone a minute ago is in the upper Tanana, in Tanacross, we practice a potlatch religion. It's a gift giving but we have a lot of dancing, singing, and this stuff. And that is the central mechanism that's used to correct individual misconduct or what not. Or, you know, simple things like celebrating a child's first moose kill or rabbit kill or things of that nature.

So, you know, generally speaking, recognition of local governments, adequately funded programs that are given—that the local tribes are given the latitude to design programs that best benefit their environment. Because the program funding has got rules and regulations that sometimes we have to saw boards to make them fit, pretty much.

Sen. Byron Dorgan:

I think maybe, Sarah, you might have said it, that the short term grants are not a substitute for consistent and predictable funding over the longer term. And I think that's—I think that's something all of us understand and, yet, the federal government too often uses these short term grants. You get a year or two or three years, perhaps, and you feel good about getting it but it is not a substitute for having a consistent stream of income to address certain areas. Mr. Peterson, did you want to respond to that?

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Richard Peterson

Yes, thank you, if I can. My brother Jerry did a very good job in that. But some of that too is along with prevention is what do you do when somebody goes through the system and they come back to the village. There is no follow-up or aftercare. I watched my best friend, as I told you, go through this. You know, he, unfortunately, he was incarcerated for six months and he comes back and he's right back in the same situation and goes through it all over again. You know, there's really no follow-up. You know, in a village, where do you turn? You don't have the opportunity for counseling, for prevention, for any kind—anybody to hold you up, you know. And when you go through these things, in the historical trauma combined with the alcohol and drug abuse, it's a deadly combination.

Sen. Byron Dorgan:

Are there other members of the task force that wish to inquire? Mr. Keel?

Mr. Keel(?):

Thank you to all the panel. One of the things that you just described, the no follow-up, no aftercare when a person does come back to the community, but that's typical, I would say, across the country, you know, because in Indian country those programs are severely lacking regardless of where they are. And, so, there are a lot of Indian communities who simply don't have the resources to develop that type of aftercare of whatever. So, we're talking about some type of funding stream that would allow tribal governments to develop that type of infrastructure that we're talking about. How then would the tribal governments that you're talking about, these village councils, how would they utilize these resources if they had resources and where would they get the type of expertise to put these things in place? How would you go about creating those?

Jerry Isaac:

Those are good questions. One of the ways to deal with some of these difficult issues is to do two things. One is to make the immediate effort to impact the problem by, what I call, hiring the hired hands. And simultaneously, you need to coordinate and cooperate with other agencies and other organizations who would help supplement your efforts to

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streamline training programs, education programs, for your people to start getting vetted for those tasks. For too long, our hired hands are educated, trained, refined only for them to one day retire, you know. And we're stuck with the same problem. So, you got to—in order to arrest this problem, you know, you have to grow your own stock. And you cannot only grow one year's worth of stock. It's got to, you know, it's got to be set up in a way that you have multi-years so that the natural process of elimination as time matures.

However, I want to emphasize the fact that without recognition of the tribal sovereignty issues, many of these efforts will end up the way it has been—ineffective and inadequate.

Sen. Byron Dorgan: Richard.

Richard Peterson: If I can follow-up on that. I really believe that there needs to be a tri-agency approach too. We have the Department of Justice, Indian Health Service, and the Department of Interior that I think should really be working together with our tribal communities. You know, if we could access, you know, it seems like they all have an impact on us and if we could coordinate that and maybe better develop how we effectively work with the tribes to deliver those services and programs developing aftercare programs and Department of Justice programs through IHS and Department of Justice that actually incorporate our tribal value into those programs. Forcing Western medicine on tribal people just doesn't seem to work. And we really do have traditional methods and ways, and I think those need to be acknowledged, recognized, and incorporated. And, again, our tribal values aren't something you put on a wall. They're something we live.

Sen. Byron Dorgan: Unless there are other questions, we want to especially thank this panel. Thank you very much for—oh, yes. Proceed.

Marilyn Zimmerman: Thank you. I don't... this isn't really a question but I would like to reinforce what you're saying about the

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lifestyle, the traditional ways that are quite helpful. And I have had the opportunity to go to Bethel several times over the last couple of years and got to watch and participate and be totally uplifted and amazed by the behavior health aides that are part of the different communities there. And how well they have been able to incorporate their own understanding of how trauma has affected the Native communities, at least surrounding that area. And that, you know, the incorporation of the elders, the incorporation of the songs, the incorporation of the dance, the incorporation of the stories, the incorporation of just the different elements that are part of the cultural teachings. And, so, I would really think that as this testimony has evolved and as you prepare information back to us, that if there could be more detail about the behavioral health aides and how the different organizations here are incorporating them.

And by training, I'm a child psychologist and I've worked with trauma all of my professional life and exposed to trauma all of my—much of my life, and the thing that I saw from the behavior health aides was that they're as well-equipped as many of our psychologists are to work in conjunction with the elders and those that were part of this effort. And, so, it was really a united circle that supported the families that came through that had many of the tragedies and experienced many of the things that you have both talked about in the last, you know, few minutes. So, I would really like to challenge more information for us about the behavior health aides that have been doing incredible work here. That I think that that would be an important contribution and important model for us to understand better.

Senator Dorgan.

All right. Marilyn, thank you very much. And if those who have been witnesses today and tomorrow, as well, might address the issues that Marilyn has raised, I think those—the question of the influence that those organizations and different approaches have had, I think, is really, really very important. Let me thank—yeah, do you want to respond, Mr. Peterson?

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Richard Peterson: Well, only in that I recognize that, as well, and if I could, Jackie Pata was excused to go and be on the same plane I need to be, so I just wanted to thank you all, if I can be excused. [speaking NATIVE LANGUAGE @ 59:29_1002] You give us hope by your mere presence. It's a good day to be indigenous so I'm going to go be indigenous with my people in southeast.

Sen. Byron Dorgan: Good luck. Well, thank you very much, Mr. Isaac and Mr. Peterson. We appreciate very much your testimony. Next, we are going to go to the public testimony. But at the front end of the public testimony, we're going to recognize Elizabeth Medicine Crow. She's the president and CEO of the First Alaskans Institute. She was scheduled as a witness for panel six tomorrow but she is not able to be here then. And we would be happy to hear her testimony today. I've referenced part of the written testimony that she had previously submitted. Following the presentation by Elizabeth Medicine Crow, we have a list of a number of people that would like to present public testimony. We will ask that that testimony be no longer than five minutes. We regret that we have to do that, but we want to hear as many as we can who are offering to give public testimony. So, let me ask Elizabeth Medicine Crow to proceed.

Elizabeth M. Crow: [speaking NATIVE LANGUAGE @ 01:00:46_1002]. Thank you so much for inviting me to participate in this incredibly important work. I want to thank TLPI and the advisory committee for accommodating my schedule because hot on the trail of my leaders, Jackie and Richard, I am also racing to the airport so that I can be indigenous for the rest of the week too, (laughs). So, I'm going to kind of truncate what I wanted to share since you already have the written comments. But before I really get into what I wanted to say, I want to do justice to a story that an Inupiaq mother shared with me. It's on the front page of the written testimony but most of the people here don't have a copy of it and I think that I want to honor and respect her for sharing the story because it really says it all.

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When my oldest son was 11 months old, I was in the midst of trying to separate from his father, a violent man who struggled with substance abuse addiction. One evening, he accosted me in his drunken stupor and became extremely angry when I tried to take our son and leave. He grabbed our son, threw him on the bed and tackled me to the floor strangling me to the point where I began to lose consciousness. All the while, I was aware of our son screaming for me. He let go of my neck right before I passed out. And when I scrambled to get up, he shoved our son at me, then proceeded to chase me down the stairs attempting to kick me and our son down.

When I ran outside, our neighbors confronted him which enabled me to get away and retreat to my parents' house who then called the police. He was subsequently arrested for felony assault. And we underwent the ups and downs and scariness of the justice system for over a year. In the aftermath of the assault, my son was nearly inconsolable. He had witnessed in his very short life a lot of yelling and physical intimidation from his father. But the actual physical violence he both endured and witnessed changed him completely. He cried all the time and wouldn't let me out of his sight. He wouldn't even go to his beloved grandparents, his other favorite people in the world. He regressed in the physical, mental, and emotional developments he was making. He was like a shell of his former self, and he was clinging to me, his strongest supporter and protector, someone who was also struggling with fear, anxiety, and depression.

Those were dark days. We were fearful to leave the house. We jumped when the phone rang or there was a knock at the door. The only respite came when we had an opportunity to leave Anchorage to go on our annual berry picking trip hours and hours out of Anchorage. On the tundra with the wind offering comfort and the rain offering renewal, we had space to breathe in the comfort of engaging in our subsistence gathering that our family has done for centuries. This was the first time either of us were able to breathe, to let our guard down, and to finally feel grounded and connected to the land. That was our healing.

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And this is a young Inupiaq mother. She's the mother of four beautiful children now. And this was at a time in her life when she only had her eldest son. And she just recently shared this story to me, with me. The reason I wanted to share it here is because while she shares the powerful hurt and harm that they endured, she also shares the solution to our greatest challenge in this community and in this country. If we really want to end childhood violence, we have to get out of the way of the people who have the solutions. It's our people. It's our culture. It's who we are that was ripped out of us and we're wounded and we're acting wounded and we're hurting each other, and it's a perpetual cycle that will not end until we are restored.

And the way that the federal government can help and the way that the state government can help is to restore us. So much time and effort and money, really collusion between the churches, between the governments, between private enterprise, they took a lot away from us. And it's the responsibility of all of them, the churches, the state, the federal government, business and enterprise, the people who gained the privilege of everything we lost, it's that responsibility that needs to be restored. And with help and with partnership it can be done. This is not to castigate anybody, it is merely a statement of fact. It's history. This is what happened. We are the living proof of what happened. And the best people to fix it are our people.

What needs to be fixed? Our tribal governments need to be empowered at full capacity. Self determination and self governance. Here in Alaska we don't have to look far for a good system. Our healthcare system was a giant paradigm shift for the federal government. That's a great model. Imagine if that was the model for justice, the model for education. What could we accomplish as native people if our people were making decisions in our best interest. I think that there are few things that I was really excited about when I received the invitation to provide some comment today. And I hope I don't offend anyone by saying this. But I think that there's a few things that I really am excited for this advisory committee to do in your recommendations.

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One is to just say, okay, let's agree, colonization occurred. Historic trauma occurred. Let's stop making everyone reiterate it every time we have to say anything about being Native in this country. It can build off of the findings and the report of the Indian Law and Order Commission. How could things come together? How could those two reports, the one you will generate and the one that has been generated and the bajillion others that were generated before, actually come together to say this is the mandate? Enough panels, consultations. It's already been said and the solutions are already there. Our ancestors, our elders, our leaders have been fighting this for a really long time. And they already identified that the best way to solve our problems is to restore who we are culturally. That's where we, as Native people, will heal. But what will it take for your system to be healed? Because your system is failing. Your system is wounded as well. It's not working. What are the things, what are the tools that you have within the system to fix what is going wrong?

There are responsibilities we as Native people have collectively. I know that the Adverse Childhood Experiences study has been mentioned a lot. And I would say that that's a really great way of being able to help everybody else in the world understand what Native people have been living. The ACE score is good as an indicator of what might happen to people, but it also needs to include the cultural and the collective trauma that happened to us as Native peoples. It's not just individual one-time, one-person thing. This is a collective harm and hurt and it must be restored collectively.

The other thing that I think is really important in this conversation about systemic change, and you heard it here so eloquently from all of our leaders—and, by the way, to exercise something that I learned from watching our health compactors, everything they said now becomes my recommendation as well, (laughs). So, I just really want to jump onboard and support all of the things they said. One of the things that personally, as just a Native person who has to go through the granting process, it is really painful to have to always compete for funds, because the competition is a race to the bottom. It's not a race to the top.

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One of the things that was shared with me earlier today from a Yup'ik person out in the Bethel region where you guys visited was she couldn't wait until we were having a hearing on the exposure of our children to greater success. What will it take to get us there? The answers we already have. And the reason I know it works is because for 10,000 plus years it worked. Those are best practices. Oh, they're evidence based best practices (laughter) because we're here, and considering everything that has happened to us, has been done to us, we shouldn't be here. We shouldn't exist. And yet here we are. We're alive. And despite the harm and some of the serious issues we have, there are pockets of people who are thriving. Let's study them. So, on behalf of First Alaskans Institute, on behalf of the Inupiaq mother who shared this story and on behalf of my people, I really thank you for giving me the opportunity to just, hopefully, share what you already know and will already act on. [speaking NATIVE LANGUAGE @ 01:11:12_1002].

Sen. Byron Dorgan: Elizabeth Medicine Crow, thank you very much for your testimony. And you have to leave for an airplane, I understand. If there's anyone wish to make a comment?

Elizabeth M. Crow: Oh, yes, hold on.

Sen. Byron Dorgan: Go ahead.

Elizabeth M. Crow: I will leave at 5:30.

Valerie Davidson: May I ask one question?

Sen. Byron Dorgan: Yes, please.

Valerie Davidson: So, Liz, can you describe the First Alaskans Institute's community support grant process and how tribes apply for that grant and what the reporting requirements are?

Elizabeth M. Crow: (laughs) We have a community investments program at First Alaskans Institute and it's a focused program of giving in order to transfer money that belongs to the Native community back to the Native community so that the tribes and the tribal organizations who are already prioritizing their own needs are coming to us, letting us know what they need

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and we try to, you know, everybody is fundable. It's just a matter of trying to figure out how we can stretch the dollar to accomplish all of those needs. And, in the process, we've been trying to indigenize how we do it. So, instead of creating layers of bureaucracy in order for them to get the funding, we put out a request for letters of interest which was very short and abbreviated. We don't look at the quality of the writing. We look at the quality of the idea and if it's going to help them achieve their own stated goals and visions. And through the process, we're able to use kind of a consensus process in order to really get out of the way of what they need to do.

And this allows for that self-determination to actually come alive, and I think that that's one of the greatest things that we have to remember is that, you know, it's not our work, it's theirs. We're just supporting them and it doesn't belong to us. So, one of the main goals is to just get out of the way as much as possible.

Sen. Byron Dorgan: Other questions? Yes, Joanne.

Joanne Shenandoah: Liz, I'd just like to say thank you so much for your inspirational words. Very much lifted my heart, personally. Thank you so much for spending time with us.

Elizabeth M. Crow: Oh, sheesh, thank you.

Sen. Byron Dorgan: Anyone else? If not, Elizabeth, thank you very much. We hope you make your airplane and we appreciate your testimony. We are now going to go to the public testimony portion of today and I want to give you some names. Before I do, I want to introduce Michael Cotter who's a U.S. attorney from Montana. Michael, would you stand? And I also want to introduce Michael Ormsby who is the U.S. attorney for eastern Washington. Thank you very much, both of you, for being here. You are a very important part of this discussion in the U.S. attorney's office. Karen Loeffler was here. She is the U.S. attorney for Alaska. I think she had to step out. But we appreciate—