

1 she talked a little bit about sequestration.
2 Come January 15th, if sequestration hits Indian
3 Country, if sequestration hits again, it will hit
4 Indian Country fast and furious again as it
5 always does. When sequestration hits
6 reservations, it hits tribes, it hits our federal
7 programs and shuts down -- the last one, IHS,
8 BIA, law enforcement, fire. It leaves skeleton
9 crews. So, hopefully it doesn't happen again
10 come January 15th.

11 I want to tell a story of my first
12 year into the non-stressful position that I have,
13 the way I see things as the Tribal Chairman, how
14 I see things happening with the people that come
15 in and out of tribal headquarters on a daily
16 basis, come to my home every -- almost every
17 night and weekend and what they're asking for.

18 My philosophy has always been if we
19 can create economic development within our
20 boundaries of our reservation, we create more of
21 a sense of pride. You know, I hear a lot of
22 people up here providing testimony on, we need
23 this, we need that. I feel if we can create
24 economic development -- I've been working with
25 putting MOUs together, they own Hyundai cars. So

1 we're putting MOUs together to create jobs on the
2 Turtle Mountain Reservation and we're talking in
3 vicinity of 500 positions at this point. 24
4 hours, 365 days a year, from \$20 dollars an hour
5 to \$50 dollars an hour. So, once we get these
6 MOUs their attorneys, the tribes attorneys, we
7 get the agreements worked out. At least the plan
8 is to create these jobs. You create a sense of
9 pride and once you have pride, comes less
10 domestic abuse, less sexual abuse, less drug
11 abuse, less alcohol abuse, and more sense of
12 pride in homes.

13 And when I asked, you know, prior to
14 coming up, I asked for 2013, how many sexual
15 assaults has happened in Turtle Mountain? 18.
16 And I asked for the age group of 15 years and
17 younger. So we had 18 sexual assaults just in
18 2013. I had 279 alcohol abuse patients. 103
19 drug abuse patients come in to the local IHS and
20 those are just the ones that are reported.

21 We know there is more out there. You
22 know, in Indian Country in the State of North
23 Dakota, you know, we have to accept the fact that
24 domesticated drug cartel is here. It's here.
25 It's on all four reservations, and they

1 infiltrated a reservation and that's were a lot
2 of the drug trafficking, sex trafficking is
3 occurring. You know, we have 18,000 people
4 living within the immediate area of Turtle
5 Mountain, and I have 12 law enforcement officers.
6 And you talk about a burnout. That's a burnout.
7 Our law enforcement officers can't even do a
8 patrol to stop a crime before it happens because
9 they're not patrolling. We don't have the man
10 force. We don't have, you know, the officers.

11 So, I'd like every other reservation
12 -- you know, that's what we are in dire need of,
13 you know, it's not so much the tribes, we're
14 asking for a handout, you know, we're all asking
15 for a hand-up. And, it's -- with this panel, you
16 know, if you can, come to our reservation. Come
17 to my reservation. Ride around with the law
18 enforcement. Ride around with our ambulance
19 service. Go to child welfare on a Monday morning
20 and see what -- just what happened over the
21 weekend.

22 I'll tell you, you know, if you've
23 never done that before, you'll be, you know, your
24 eyes will be open really wide just to see and
25 hear what happened because it's a total different

1 world when the sun goes down on a reservation.
2 There's a whole different type of personality
3 that comes up.

4 In my convenience store, I talk about
5 the "tweekers" (phonetic) that come out at 9:00.
6 These tweekers -- these guys who are on drugs and
7 what they look like. When I'm giving out candy
8 for Halloween or playing Santa Claus giving out
9 toys, On Halloween we'll get about 3500 students;
10 3500 kids receiving candy. You know, you're
11 dressed in a Santa suit to give them a little toy
12 and come and sit on my lap, and they're peeing on
13 my lap because they're scared. You know, there's
14 abuse going on.

15 I guess my five minutes is up and I
16 didn't get to talk about everything, but I -- as
17 a tribal official, I'll put more into writing and
18 submit that. Thank you.

19 JOANNE SHENANDOAH: Thank you,
20 Chairman McCloud for your comments, and we look
21 forward to further submission from you.

22 Next, we're going to have
23 Commissioner Scott Davis.

24 SCOTT DAVIS: Thank you very
25 much, Ms. Shenandoah, members of the committee

1 and to Senator Dorgan for the invite today to
2 give some comments.

3 For the record, my name is Scott
4 Davis, I serve the State of North Dakota and
5 North Dakota tribes as Executive Director of the
6 North Dakota Indian Affairs Commission. Our
7 commission has been in statute for the last 65
8 years. North Dakota certainly has
9 evolved over that time period. And we heard one
10 of my predecessors here, Deborah Painte, as well.
11 Heard a lot from her and I'm trying to do my best
12 to carry on some of the initiatives that she had
13 created back in those days.

14 I'm also a proud member of the
15 Standing Rock Sioux Tribe. But as a member of
16 the Governor's cabinet, I work directly with the
17 Department of Human Services and also with a lot
18 of the other state agencies and involved with the
19 Supreme Court and court systems, Human Services,
20 Corrections, Probation and so forth. So, I work
21 directly with them.

22 So I want to highlight just a couple
23 of those things that we've done in my past

1 four-and-a-half-years as Commissioner. The
2 Department of Human Services contracts directly
3 with all tribal nations here in North Dakota to
4 provide human services to the reservations.
5 Examples of that are substance abuse, drug and
6 alcohol, human services, reservation services,
7 parent aide, family services, and other services
8 to keep children safely in their homes.

9 My office and also DHS meets
10 regularly with tribal community representatives.
11 We hold hearings on reservations to understand
12 the needs and requests and consultations inside
13 the tribes. We also have three very strong
14 venues -- that type of communication that we have
15 which is chaired by our governor, we also have a
16 tribal state relations committee which is
17 bipartisan legislative committee. That is a
18 statute now. I worked very hard this past
19 legislative session to get into statute so that's
20 permanent.

21 Also, as Ms. Parks eluded to, I'm
22 also a member of the Tribal Court Committee as
23 well. That is involved with our Supreme Court
24 Justices and also our Tribal Court Justices as
25 well. So, a lot of discussion about things. And

1 the foundation of that court system is a full
2 faith credit statute that is in our state laws as
3 well.

4 DHS and my office also has memoranda
5 MOUs in place to help with the provision of
6 Social Services across jurisdiction. Example of
7 this is a Child Support Enforcement MOU with the
8 three affiliated tribes here in North Dakota.
9 Also in 2015, we will have our state legislative
10 session. So, now, again, is the time to start
11 crafting any type of legislation, bills, and so
12 forth that pertains to protection of child --
13 protection on and off the reservation.

14 And I think our tribal state court --
15 Tribal State Relations Committee will be the
16 venue for that. Our office and the DHS partner
17 with tribes in a lot of areas. We're also a
18 member of the Lake Region Social Service
19 Coalition. Those meetings are held in and around
20 the Spirit Lake Tribe.

21 Also, our office and Department of
22 Human Services and our Supreme Court help
23 co-sponsor the Indian Child Welfare Act
24 conference that is held every February/March here
25 in Bismarck and in Mandan. And we partner with

1 the American Training Institute, that Deb Painte
2 leads that. So we talk about areas about
3 historical trauma, people 101, tribal
4 sovereignty, navigating tribal systems, creating
5 cultural confidence, foster care, tribal safety,
6 law and policy. We will also do training this
7 coming year for training for qualified expert
8 witnesses coming soon. Also, we also support
9 Family Reservation Services on each reservation
10 through contracts with all court tribal social
11 services agencies. Example of this is a tribal
12 48 Rules and contracts of all, again, the four
13 tribes here in North Dakota. These agreements
14 provide Title IV-E dollars for qualified
15 children placed in and out of home care. The
16 Title IV-E funds are paid directly to the providers
17 caring for children in Title IV-E locations.
18 Federal rules funded child welfare practices and
19 all rules must be followed in order to have
20 funding in order to continue.

21 (Inaudible.)

22 Oversight is accompanied by childhood
23 and family team meetings between the Tribal-State
24 Social Service Directors, DHS and my office.
25 Childhood and family team meetings for all Tribal

1 IV-E are chaired by supervisors to ensure safety
2 performance for the wellbeing of all youth.
3 This requires a six-month process but North
4 Dakota Indian tribes choose to do this poorly.
5 The department also provides training to Tribal
6 Social Services and will continue to provide
7 ongoing communication and -- with the tribes.

8 So, there's a lot that's going on
9 between our state agencies, one that is constant
10 communication and tribally driven. This is my
11 approach that we as a state remember -- try to
12 keep sovereignty or create sovereignty in any
13 ways in our court systems and respect how tribes
14 operate their social services departments for
15 reservation boundaries. So, those are my
16 comments and I'll be happy to put those in
17 writing for you as well. Thank you.

18 JOANNE SHENANDOAH: Thank you,
19 Mr. Davis, for your comments. Next, we'll call
20 Prosecutor from the Spirit Lake Tribe Joseph R.
21 Vetsch.

22 JOSEPH VETSCH. Thank you. For
23 the record, my name is Joe Vetsch. I am the
24 criminal prosecutor for the Spirit Lake Tribe. I
25 have worked in that capacity since February of

1 2004. During my time as the Prosecutor for the
2 Spirit Lake Tribe, I have worked for three or
3 four different administrations and/or
4 chairpersons and approximately 12 different
5 judges. I believe that experience combined with
6 my roughly 12 years of doing criminal defense
7 mostly for indigent defense people in the
8 surrounding jurisdictions has kind of allowed me
9 to garner a unique perspective on the issues
10 associated with the effects of violence on Native
11 American children.

12 And with a humble heart and gratitude
13 today that I speak on behalf of the Spirit Lake
14 Tribe. But, I also speak on behalf of Spirit
15 Lake's multidisciplinary team. This team
16 consists of members from various organizations:
17 BIA, Criminal Investigators Office, the Fort
18 Totten Police Department, the Department of
19 Justice, the United States Attorney's Office, the
20 FBI, the FBI Victim Witness Office, Spirit Lake
21 Victim's Assistance, Behavioral Health, Red River
22 Children's Advocacy Centers, Social Services, and
23 BIA Social Services. It is a team that meets on
24 a monthly basis and deals first hand with the
25 effects of violence on Native American children.

1 Although the issues and solutions
2 that we have talked about today could probably
3 fill a library, I'm going to keep my testimony
4 short, clearly since we only have five minutes.
5 I'll keep it to some pointes that I think the
6 federal government could help with almost
7 immediately or in the short term.

8 The first thing I would like to touch
9 on is the need for uniform standards, it's
10 already been touched on earlier I think by
11 Chairman McDonald, but the need for uniform
12 standards and guidelines for the placement of
13 children in foster homes and in "relative" and/or
14 "family" care homes. It's my understanding that
15 the standards for evaluating homes for relative
16 or family care placement are much lower than the
17 standards applied when placing children in
18 certified foster care homes.

19 These lower standards or lack of
20 standards entirely leave open the very real
21 possibility of removing a child from a dangerous
22 home and placing him or her in another home that
23 is just as dangerous as where the child came
24 from. These types of placements represent the
25 majority of child removal cases on Spirit Lake,

1 and it is my opinion, they should be held to the
2 same standards of review and evaluation as
3 certified foster care placements.

4 The second thing I'd like to touch on
5 is the need for adequate juvenile detention
6 facilities throughout Indian Country, and this
7 has also been touched on earlier today, but I
8 realize many Native American nations have
9 juvenile detention facilities; however, many do
10 not.

11 Spirit Lake is one of the places that
12 does not. Currently, this leads to incarceration
13 of juveniles in off reservation facilities away
14 from their families, friends, and school.

15 Depending on the contract, often
16 times those reservation facilities are unable to
17 provide any sort of educational and/or treatment
18 services to the juveniles. There's a strong need
19 to ensure that adequate on reservation detention
20 facilities for Native American children exists.
21 These detention facilities should include all of
22 the typical services that we see elsewhere;
23 things like adequate probation services, alcohol
24 and drug treatment services, mental health
25 services, educational services, offender

1 treatment services, et cetera.

2 We must remember that juvenile
3 offenders, and that's the purpose of this
4 conference, juvenile offenders themselves are
5 victims and we need to make every attempt to
6 treat them as such rather than criminal
7 offenders.

8 Third, there is a strong need for
9 consistency and continuity in the investigating
10 departments of the Bureau of Indian Affairs and
11 Bureau of Indian Affairs Social Services as well
12 as increased numbers of investigators and/or
13 officers. Without adequate numbers of people
14 assigned to investigate cases of violence against
15 children and without consistency and continuity
16 in how the investigations are handled, we end up
17 with a situation of dysfunction where cases do
18 not get investigated properly and victims and
19 their cases end up falling through the cracks.
20 There could be thousands of cases just like that.

21 Fourth, there is a strong need for
22 funding that would provide for attorneys in cases
23 of child removal and/or placement and/or services
24 to present those cases to the applicable Court or
25 the applicable social services agency. As I

1 understand anyway, the Bureau of Indian Affairs
2 is responsible for a majority of child placement
3 cases in Indian Country. As such, it should be
4 the Bureau's responsibility to provide funding
5 for law trained and licensed attorneys to present
6 those cases to the court to ensure that all
7 policies, procedures, and applicable laws are
8 followed; as well as ensure that all deadlines
9 are met and that proper language is included in
10 petitions and orders. Relying on social service
11 workers to do this, in my opinion, is
12 unacceptable. And the issue comes, we have
13 funding for the social services workers but very
14 few places have funding or licensed attorneys to
15 present their cases to the applicable judges.

16 Finally, there's a strong need for
17 funding for on-reservation shelters and group
18 homes, similar to what we touched on with the
19 juvenile detention facilities but more in a
20 family setting. Those would be places for
21 victims and their families to live free from fear
22 and receive the necessary treatment and
23 life-skills types of programming and educational
24 services that are desperately needed to help in
25 and reuniting victims and their families.

1 These facilities would include
2 culturally sensitive curriculums that address
3 everything from day treatment for substances
4 abuse, to supervised visitation centers, to
5 parental skills programming, to nutritional needs
6 programing and developmental education. These
7 are the types of programs that we take for
8 granted in off reservation communities and
9 everybody in this room longs for the day when we
10 can take those types of programs for granted on
11 reservation communities.

12 I would just like to close by
13 thanking the committee for the opportunity to
14 speak on behalf of the tribe, Spirit Lake Nation,
15 and our multidisciplinary team and for taking the
16 time to listen all day and to seek some
17 resolutions to some of the issues that are
18 associated with the effects of violence on Native
19 American children. Thank you.

20 JOANNE SHENANDOAH: Thank you
21 Prosecutor Vetsch, we really take to heart your
22 words and your sympathetic approach toward
23 culturally based solutions. Thank you for your
24 insights.

25 Next, we will have Senator Richard

1 Marcellais.

2 SENATOR RICHARD MARCELLAIS: Thank
3 you, Dr. Shenandoah, members of the advisory
4 committee. My American -- Native American
5 brothers and sisters in the audience, for the
6 record, my name is Richard Marcellais. I'm a
7 North Dakota State Senator representing District
8 9, Roulette County, home of the Turtle Mountain
9 Band of Chippewa Indians with the population of a
10 little over 35,000 tribal members. I'm also the
11 former tribal chairman from 2008 to 2010,
12 President of the National Indian School Board
13 Association. I also serve on several local
14 school boards. I am a member of the Turtle
15 Mountain Band of Chippewa and the only Native
16 American Senator in the great State of North
17 Dakota since 2006.

18 I want to cover a little bit of the
19 history regarding violence. Violence against
20 Native Americans can be largely attributed to the
21 Indian nation of Europeans in North American
22 beginning over 600 years ago. This began the
23 change in the status of Native Americans once
24 held as leaders, considered sacred and much
25 respected.

1 The Europeans forced their values
2 and perpetuated the belief that violence against
3 children and women is acceptable. This began the downward
4 spiral into assimilation led by the belief that
5 European, white man's way, was the best way.

6 Native Americans were forced on
7 reservations to give up any of their long
8 practiced traditions and cultures, beliefs.
9 There was also a time when Native American
10 children were removed from their parents and
11 forced into Catholic boarding schools. They were
12 often raped, abused, and forced to develop a
13 different value and belief system. The system
14 has created life-long implications for
15 generations to come. This often included the loss of
16 traditional parenting skills, the introduction of
17 alcohol and drugs and violence, as well, as the
18 idea of ownership.

19 Native men went from experiencing the
20 nonviolent way of living to witnessing violence,
21 adopting white man stereotypes and treating women
22 and children as property. The status of Native
23 American women and children also began to shift
24 at this point. Rape and abuse and murder became

1 common practice against Native American women and
2 children. Women and children were no longer
3 considered sacred.

4 As result of these changes, violence
5 and oppression have become the norm and efforts to
6 end violence are still in their early stages. To
7 discontinue the violence that now seems normal, many
8 Natives are working to restore traditional
9 values, cultural beliefs.

10 One of the most important of those
11 values is that women and children are sacred.
12 Native's cultural background and the knowledge
13 that we are all related, that the values of respect,
14 compassion, and nonviolence are integrated into our
15 way of life and that women and children are sacred.

16 Historically among Native people,
17 was the practice of honoring individual life changes and pass that
18 right to walk through the world with freedom, safety, and respect.

19 The work in Indian Country to end
20 violence against Native women and their children,
21 is powerful if the Indigenous culture and beliefs
22 are used as models. Rural women and children
23 living on the reservations face unique challenges

1 when dealing with violence. Not only are there
2 generally a limited number of police officers to
3 respond to calls that cover the vast distances,
4 but on tribal lands, there are often unresolved jurisdictional
5 issues about who will respond to the calls.

6 Many tribes do not have jails, so
7 there is very little they can do to enforce laws.
8 In addition to these complicated jurisdictional
9 barriers, many Native women and children have
10 limited access to telephones, transportation,
11 emergency services or accessible roads, especially
12 inclement weather.

13 Just want to mention that all
14 children violence happens -- that not all
15 children violence happens in the home. That is
16 the reason why I introduced the North Dakota
17 Senate Bill 2167 relating to crimes that include
18 bullying and to provide a penalty in North Dakota
19 during the 2011 session.

20 In closing, I want to thank the
21 advisory committee for the fine work that they're
22 doing, and the last comment I have is I believe
23 that violence is inherited from generation to
24 generation. Thank you very much.

1 JOANNE SHENANDOAH: Thank you
2 very much, Senator Marcellais, for your comments,
3 and in a moment we're going to ask the advisory
4 committee if they have any questions. But before
5 we do that, we were listening and also there's
6 been recommendation Chairman McCloud, that we had
7 covered your economic activities and then
8 Halloween and then Christmas, but I did not hear
9 moving towards Valentine's Day and we just wanted
10 to give you just a few more minutes, please, to
11 present to us some ideas.

12 RICHARD McCLOUD: All right.
13 Thank you very much for opportunity for five more
14 minutes, a few more minutes, I appreciate that
15 very much. Thank you.

16 Our tribal courts from January
17 through November, has seen a total of 1,569
18 criminal actions from domestic violence, sexual
19 assault, to drug offenses. So, what I wanted to
20 get to -- part of the thing was the BIA -- falls
21 under the Department of Interior (we have parks and recreation)
22 under this we have the BIA and I don't feel -- I
23 think maybe we should start from the top when we
24 restructure. You know, we've -- everybody is
25 focusing with domestic abuse on the child and

1 what's happening on the reservation. Well, maybe
2 we need to look at what's happening in
3 Washington. Maybe that needs to be restructured.
4 Why does the BIA fall under parks and recreation [Department of Interior]?
5 Why does his fall under parks and recreation?
6 Why does law enforcement fall under parks and
7 recreation? Maybe that's something, you know,
8 the task force can look at. Take a study, and
9 maybe it will be a bigger impact in Indian
10 Country if we separate all those entities, and
11 I'm just thinking out loud.

12 My reservation was ranked number one
13 for sex trafficking and drug trafficking and gang
14 activity and it's a statistic, you know, as Tribal
15 Chairman, I'm not very proud of it at all. So,
16 we have a lot of work to do to get that off of
17 our reservation. We don't want that.

18 When I talked about creating economic
19 development, one the most important things is
20 education. I've always said education is your
21 pathway out of poverty. And, with education you
22 can do whatever you want to do, wherever you want
23 to go, be whatever you want to be, do whatever
24 you want to do. I promote education 100 percent.

25 Cecilia had a good point at the

1 tribal colleges, let the school systems handle
2 the funds because tribal governments come and go.
3 It's -- you know, I don't plan on being the
4 Chairman forever. You know, I want to do what I
5 can for my two terms and that's it. I'm hoping
6 to make a big difference within our reservation
7 and be an advocate, be a spokesperson and do what
8 I can, you know, speak on behalf of our tribe
9 and, you know, get the message out there. I talk
10 to classrooms all the time, my wife speaks to the
11 classes. We're on the radio, she's been going to
12 classrooms for about the last ten years. And one
13 of the things I talk about in the classes is, you
14 know, bullying, and I tell these kids remember
15 bullying because the person you're bullying now
16 may be the person that beats you up in five
17 years, ten years down the road.

18 (Inaudible) Bullying is a big thing
19 within tribes. I agree we need -- In all
20 reality, these kids go through a heck of a lot
21 more than adults do. They've got their own
22 little world and they can tell you from A to Z
23 who's doing what and where and when and why and
24 how before they tell an adult. Texting or
25 Facebook, their friend. That's something we

1 of lingo used.

2 Every few years in my experience as a
3 former researcher and academic medicine, you hear
4 different code words. Like right now, the fad is
5 toxic stress. And you -- some of you know about
6 that and the effects of violence on the brain has
7 been discussed as well. And that just is common
8 sense. And as Lakota people, we have ways of
9 dealing with stress. We knew about this, and we
10 had ways of dealing with that. And in medicine
11 we know this as well.

12 In -- I also have written testimony
13 that I submitted and so you have that, and I
14 won't go through all of that. But, the questions
15 that I ask of you are -- are really: What are
16 you going to do to help things change?

17 One of the main things that I see are
18 that when the State of South Dakota is allowed to
19 block the prosecution of church funded child
20 abuse and the State of South Dakota is allowed to
21 abuse our children in child welfare systems, and
22 that has not been dealt with, you are in a
23 position to help make that change. And I'm sad
24 to see that Senator Dorgan is not here right now
25 or the Associate Attorney General

1 isn't here either, but that's my question for
2 you.

3 The State of South Dakota has set up
4 laws that block prosecution of the church, and we
5 know that child sexual abuse happened in the
6 State of South Dakota and those churches have not
7 been brought to task. What message does that
8 send to our families? Why would they tell us
9 about that? It's coming out all over in the
10 world that that happened, but we -- we haven't
11 been able to tell our truth in the Northern
12 Plains because what's going to happen? Nothing.
13 That's the message that we're being told here in
14 the Northern Plains. Nothing's happened. That's
15 my question for you.

16 Otherwise, the things that I have to
17 say which are about hope are the solutions. In
18 my five years in Bismarck, I have specifically
19 one young person that I can think of whose family
20 dealt with substance abuse issues which are at
21 the root of a lot of the violence that we see in
22 our homes, which you know has been given to our
23 communities through governmental policies.
24 That's -- that violence is the direct result of
25 substance abuse, and our young people are

1 reacting to dysfunctional families.

2 So, the way that we're going to help
3 is by helping the family and none of the systems
4 that I've seen have been doing that. And when
5 people say that off reservation communities take
6 that for granted, they don't because there aren't
7 any family based systems in off reservation
8 communities either. That is what we need.

9 The only ones that I've seen that
10 really have made attempts at that are on Pine
11 Ridge. They do have that and many people in the
12 community, Kyle, South Dakota have been
13 successful in getting that program to work.
14 They're programs on Standing Rock where they
15 utilize the horse model and trying to get more
16 mental health providers in the community.

17 There are some models that have
18 worked in smaller extents, but we really do need
19 to reach out to the family based model and
20 address substance abuse and intergenerational
21 trauma.

22 We also have to start earlier. We
23 have to reach out at a very early age. We know
24 that programs like the Nurse Family Partnership
25 works and that those programs go into the home.

1 We could train lay people and our own community
2 grandmothers and aunties to teach young people
3 how to be parents again because that was lost
4 when our grandmothers were beaten and that was
5 how they taught the next generation to be
6 parents.

7 So, we have to -- in our own families
8 have had to learn how to be parents again. So,
9 that can be taught in homes and when they go into
10 the homes, they identify other risks: Oh, I see
11 your baby is laying on their stomach when they
12 take a nap. That's an easy thing to fix to
13 reduce SIDS. Nurse Family Partnership Program is
14 a program that works across the country, could be
15 switched from a nurse program to a lay people
16 program. It wouldn't cost a lot of money like it
17 would to pay an RN. That's a model that could be
18 replicated nationally.

19 There are lots of ideas that I have
20 definitely somebody mentioned group homes. But,
21 we can't keep putting our kids in jail. That's
22 not the solution. We don't have open gyms at
23 night. We don't have places for kids to go.
24 Where are they going? They're going in
25 basements. That's where they're hanging out with

1 each other. They're bored, and they're modeling
2 what they see. We have to teach them different,
3 and we're trying to as community members, as
4 concerned people. We're trying to be role models.
5 We're taking them running. We're trying to do
6 different things as concerned community members.
7 We're teaching them our ways and that's what's
8 going to save us a people.

9 The way that governmental agencies
10 can support would be figuring out ways that are
11 going have to be creative because we know how
12 government agencies work. But people need gas
13 money, they need vouchers for gas money. When
14 you live on the Plains and it takes 60 miles to
15 drive anywhere, people need help to get to the
16 counselor. We need more telemedicine, more
17 telemental health. Those are the things that we
18 need.

19 ANITA FINEDAY: Thank you, Dr.
20 Jumping Eagle. Next, we're going to hear from
21 Mrs. Sue Isbell, NDSU Extension Service.

22 SUE ISBELL: Thank you for this
23 honor. I'm privileged to speak before you. I am
24 Sue Isbell. I am employed by NDSU Extension, but
25 I work for the youth, the family and the

1 community on Standing Rock. I always want them
2 to know they are what's important to me.

3 I run -- I am the 4-H Youth Educator,
4 which is a large youth organization in the
5 nation. I have over 500 youth enrolled in my
6 programs on Standing Rock. We currently are
7 functioning under an OJJDP funding grant to the
8 National~4-H~Council. Our grant is -- was
9 written for the Solen and Cannonball district.

10 What we are doing is, I believe,
11 we've got to teach our kids to be sustainable and
12 to move forward. We need to offer them skills.
13 So we have started our own business in Solen High
14 School. There's 54 students in the school, they
15 are operating a commercial embroidery business,
16 screen printing, heat press, they have a kiln,
17 and they're working with a wood lay.

18 This is a new venture for us. We're
19 using it to teach our children and our youth the
20 skills of digitizing for embroidery. They're
21 learning web design. They're also learning how
22 the financial aspect of the business works.

23 Have we had challenges? Yeah. It's
24 been uphill a lot of the way. But it's worth it
25 for our kids and our communities. That's what

1 it's about. One of the things we have talked
2 about with our youth is, we want to keep our
3 money in our reservation's communities. We don't
4 need to go off reservation to be successful. We
5 can do it ourselves because these businesses are
6 all being taken off the reservation at this
7 point.

8 Another part of your grant is I've
9 had the privilege to take our youth to
10 Washington, D.C. I've taken over 25 youth in the
11 last four years, which is a Citizenship
12 Washington Focused Leadership Workshop. The
13 youth year before last performed at the
14 Smithsonian, the museum for American Indian.
15 They performed traditional dance, and I just wish
16 you could have seen the power of the pride that
17 the youth had. It was also live streamed back to
18 the reservation so everybody at home got to take
19 part in that and that was very powerful.

20 We also do a soup kitchen and a food
21 pantry. We have hungry kids, we have hungry
22 families, and we have hungry elders. It's your
23 duty to take care of our families. Our program
24 is a mentoring program. It's a national tribal
25 mentoring program. The larger share of our

1 mentors are from the reservation. My vision for
2 our youth is that they are proud of who they are
3 and where they're from and their families. Thank
4 you.

5 ANITA FINEDAY: Thank you, Dr.
6 Isbell. Next, we're going to hear from Mr. Iron
7 Eyes.

8 CHASE IRON EYES: Thank you. I
9 want to thank all the advisory committee and all
10 the panelists for coming up here so far. My name
11 is Chase Iron Eyes. I'm an attorney and the
12 founder of a media movement called
13 LastRealIndians.com, and I grew up about 45 miles
14 from here on the Standing Rock Nation. And I
15 would encourage all of you to visit Prairie
16 Knights Casino; feel lucky tonight. Just kidding
17 unless you're serious.

18 But we have -- I've been listening to
19 some of the panelists today and we've -- it's
20 hard to describe and to sort of encapsulate, you
21 know, 500 to 600 years of contact, and by contact,
22 I don't mean just genocide, I mean a contact
23 between our institutions as indigenous peoples
24 and Western world views and institutions
25 including legal institutions, political, social,

1 economic, educational, media, religious, this
2 whole set of institutions of Western civilization
3 as we know it today. That's the contact that
4 we're reeling from and that we struggle against
5 to remain who we are as dignified Indigenous
6 peoples and to not be absorbed by that set of
7 institutions but rather to break through and still
8 be able to be who we are but to meet our needs
9 today in the 21st century. That's not an easy
10 thing for us to do and certainly not something
11 that five minutes, you know, could kind of do
12 justice.

13 But there are certain things that I
14 wanted to come here today to talk about, and we
15 hear -- so we have this set of circumstances but
16 -- and I do appreciate you coming here but really
17 only we can fight our way out of this. There's
18 nothing that you can do really that's going to
19 save us but -- I don't know the scope or your
20 duties or, you know, the resources that you have
21 available to you or what have you, but what I do
22 know is that there are people out here that are
23 doing on-the-ground work out of their pocket, and
24 I'm one of those people.

25 I run a group called LR Inspired and

1 our pillars are wellness, education, and
2 leadership. As part of that, we have access to
3 about 30 to 50 youth at any given time. In about
4 three weeks here, we're going on a wounded knee
5 survivors run and that -- of course, you've heard
6 of the Wounded Knee Massacre, well, not everybody
7 died at the Wounded Knee Massacre, there are
8 about 20 to 30 survivors that made it back to --
9 from once they came. We retrace that route. We
10 get all the young people in there to run with us
11 and the purpose of that is to teach them to
12 respect themselves, to respect women, and to
13 teach them without having to teach them in the
14 classroom or according to this tribal method or
15 whatever.

16 But, we could use some funds.
17 Whether that's funding through the tribe or
18 whatever, that's -- I won't comment on that. I
19 mean, to me it doesn't matter how it's funded
20 through, but -- for instance, there's another
21 organization called Shoumony Te-Ote (phonetic)
22 the creator is a good friend of mine, he is the
23 former chairman of the Cheyenne River Sioux
24 Tribe. He's got about 15 youth that he gathers,
25 about every other night, for boxing practice, and

1 different athletic training. 'Cause there is
2 kids out there, and when you grow up in an
3 imposed poverty culture, a lot of times you don't
4 have a father, there's no male role model. I
5 didn't have a single male role model growing up
6 and for us that come from that sort of place that
7 grow up in housing, sometimes there's parties at
8 your house, you know, you're exposed to violence.
9 I was exposed to violence since I was a little
10 kid. We perpetuated that violence as
11 adolescents, as young adults and it's an
12 unhealthy cycle.

13 So, we've got to reach these kids any
14 way we can. And maybe in your institutions and
15 things like that, maybe there's a place for that.
16 Maybe the DOJ, our law enforcement can have
17 increased school contact because a lot of us go
18 to school because it's safe there. There's --
19 you get free food there, you can explore your
20 imagination, you don't got to worry about people
21 coming into your house and people fighting and
22 loud music in the background, this and that. It
23 really does provide an opportunity for us to
24 grow. 'Cause right now maybe there's -- we do
25 need funding because right now, our primary

1 sponsor is a nonprofit called Dr. Sarah Jumping
2 Eagle Incorporated, this is my wife sitting over
3 here. We pretty much survive on her account.

4 We do need some funding. It doesn't
5 even have to be a lot. Just enough to cover food
6 and what not. But maybe -- for me, what's been
7 independent is to apply for a grant, maybe
8 there's a way that you can structure a grant that
9 the agency or the tribe itself can pay certain
10 costs: Food, shelter, equipment, something that
11 lessens the administrative vote because I -- as
12 an attorney, I just don't have the time or the
13 energy to handle all these administrative tasks,
14 to file 9-90s and blah, blah, blah, you know.
15 There's real people on the ground here who can --
16 we are only going to save ourselves but to the
17 extent, I just want you to consider some of that
18 rolling around inside your consciousness inside
19 your delivery in thinking and how you can --
20 you've got to empower us. I'll just conclude
21 there and really do thank you for your time here
22 today.

23 SARAH JUMPING EAGLE: One thing
24 that I wanted to mention. When I was talking
25 about the girl I was thinking of, I saw her

1 because of family substance abuse issues. She
2 was in foster care in Bismarck, then she went
3 into -- ran away and went into a group home, then
4 ran away from the group home and was in the JDC
5 in Bismarck and then was running away and then
6 was, I think she was missing for a while, and
7 then was back in juvenile corrections and now is
8 in a group home again.

9 And another one, I mean there's
10 several. Then another one was -- pretty much
11 grew up in group homes, foster care, was in
12 juvenile corrections, then got out for a brief
13 time and had babies and then now the babies are
14 in foster care. And so, those are the patterns
15 that we're seeing. There's -- we also need
16 transitional services for these young people who
17 are unfortunately growing up in these systems,
18 and that has to stop.

19 So, in the written things that I gave
20 you, I talk about the pipelines to prison, the
21 pipelines to foster care to -- you know,
22 sometimes people think the solution is, oh, send
23 them away, send them to boarding school, they are
24 acting up send them over here. We have to stop
25 sending them away. We can't send them to JDC, to

1 psych unit, to -- wherever it is the magical
2 place that fixes them. There's isn't a place
3 like that.

4 So, we have to create our pipeline.
5 I was calling it pipelines of warriors or rivers
6 of warriors. And that includes education and our
7 spirituality that we're talking about. But it
8 has to start earlier. But the kids that are
9 already caught up in there, that has to deal with
10 -- as a physician, I'm dealt with this situation
11 where I have to report abuse. But really the
12 issue also is the family substance abuse issues.
13 That's the basis. If we can help the family with
14 that, then maybe there wouldn't be the child
15 abuse or neglect. It's kids wandering around on
16 the street 'cause the mom is on meth or on pills
17 and now the kid is in foster care.

18 And then another family wants to do
19 foster care, a Native family, but the state
20 foster care system tells them, well, you have one
21 too many kids in your house. Well, who are they
22 to say? I mean, someone else said, oh, the
23 tribe's foster guidelines are too lax. Well, I
24 say the state's guidelines are out of connection
25 with who we are as Lakota people. I slept with

1 my sister in a bed until I graduated high school.
2 I'm fine. So, if we have lack of housing in our
3 communities, and if two kids are going to sleep
4 in the same bed and she's my sister, I mean,
5 what's the problem with that?

6 So, if we have to figure out
7 different ways of having our own guidelines, but
8 there has to be a level of acceptance for that.
9 So those are just some of the things that -- that
10 are connected to violence and how our kids are
11 getting placed out of homes losing their way and
12 then they're coming back and having kids and
13 that's the next generation.

14 ANITA FINEDAY: With that, I
15 want to thank the panelists for their remarks.

16 JOANNE SHENANDOAH: And we won't
17 be taking any questions only because I have
18 several announcements to make but thank you again
19 for being here and giving us testimony. We look
20 forward to your written submissions as well. So
21 we'll take all of that into consideration as
22 well. Thank you so much.

23 Before we begin the next begin the
24 next phase of testimony, I want to make sure
25 you're aware of a new policy that requires the

1 Department of Justice personnel who are informed
2 of suspected child abuse of a child under the age
3 of 18 to report these allegations of child abuse
4 to the appropriate state or local authorities.
5 This policy mandates that we DOJ personnel are
6 informed of suspected child abuse during an
7 official course of duty. There are several of
8 the DOJ staff who are here with us, in the
9 building, and in the hearing room today. So
10 please, keep that in mind.

11 ANITA FINEDAY: Thank you.
12 We'll seat the next panel, which I believe is the
13 Standing Rock Sioux Tribal Council panel. And we
14 have first, Dave Archambault, the Chairman of the
15 Standing Rock Sioux Tribal Council and Phyllis
16 Young, a Council person. We'll start with
17 Chairman Archambault.

18 DAVE ARCHAMBAULT: Okay. Thank
19 you. Good afternoon, my name is Dave
20 Archambault, the Chairman of the Standing Rock
21 Sioux Tribe. We had a council meeting the other
22 day and Tim Burton had come to this and so our
23 council had requested that we submit a lot of our
24 members so that if they were willing to testify,
25 that they would be able to get on because we knew

1 we had to register before. So, there was I think
2 there was four or five of us that came. I heard
3 Jay Taken Alive earlier. The other ones had to
4 go back because of the weather so there's just
5 myself and Phyllis right now.

6 There are many reasons why our
7 children are exposed to violence and there's
8 different factors such as poverty and substance
9 abuse. And not one government can -- government
10 agency can fix this problem. It's become a
11 national crisis and I commend you for taking this
12 task on as a committee because it's not an easy
13 one especially when it comes to Indian Country.

14 We have a high rate of poverty. We
15 have high rate of substance abuse. And so, as a
16 tribe, we're always -- we're constantly trying to
17 come up with solutions of how to fix this. And
18 it's a difficult task.

19 And I just want to share with you a
20 couple of things that Standing Rock is doing to
21 ensure that our children are safe. In our tribe,
22 we have -- we have a close relationship with the
23 U.S. Attorney's office in both North and South
24 Dakota. We have our tribal prosecutors
25 designated as Special Assistant U.S. Attorneys,

1 which allows them to appear in federal courts in
2 assisting in the prosecution of indigenous
3 people.

4 We also participate in Violence
5 Against Women Act pilot project. We also have
6 begun tribal sex offender registry notification
7 system among individuals who may prove
8 dangerous. And we also have -- are participating
9 in a pilot project with the State of South Dakota
10 to monitor parolees returning to the
11 reservation. State of South Dakota passed
12 legislation and are -- of course, we are
13 participating in that.

14 So, there's different things that
15 we're doing but both the tribe, the federal and
16 the state governments have to continue to work
17 together and find a way to ensure that child
18 welfare, social services, law enforcement,
19 juvenile justice, and educational systems are
20 adequately funded.

21 Right now with the resources that are
22 available, there's no way that we can -- we can
23 fix this especially there's no way that the tribal
24 level alone can fix this problem.

25 So we're asking you to ensure that

1 that funding will be there and when I say "be
2 there," that means adequately funded, adequately
3 staffed. And I'm hoping that with this
4 committee, that Congress will hear and listen and
5 that will make recommendations.

6 Last thing I want to touch on are
7 some of the things that we see. There are -- a
8 lot of our adults who are prosecuted, are
9 sentenced long term. They're put in
10 institutions, prisons, and correctional
11 facilities, and they leave us. And when they go
12 into these institutions, there's no healing or
13 there's no treatment for them. So they simply
14 serve their time and then become repeat
15 offenders. So we need to look at that and
16 address this somehow so that this problem doesn't
17 perpetuate and doesn't continue. We have
18 different ideas if we had our own correctional
19 facilities for long-term inmates, then we can
20 give them the cultural treatment, the healing
21 that needs to be done so they don't become repeat
22 offenders and continue to harm our children.
23 That's all I wanted to share with you for now.

24 One of the things, you know, Nelson
25 Mandela just passed away. One of things that he

1 said was that education is the best way for
2 peaceful change -- is the best way to peacefully
3 change the world. Our educational systems are
4 inadequately funded and they're not working. So
5 if there's a way to address how we teach our
6 children, how we can nourish them to become
7 productive citizens for our nation, rather than
8 having a high dropout rate. What is it going to
9 take? So our education is something that we need
10 to adhere to. I want to give -- turn the mic
11 over to Councilwoman Young.

12 ANITA FINEDAY: Thank you.
13 Councilwoman Young.

14 PHYLLIS YOUNG: (Speaking in
15 Native language.) I offer my hand with a good
16 heart. Woman who stands by the water. I'm the
17 woman on the edge. I would just like to welcome
18 this task force to our homeland, and we're being
19 blessed right now by mother nature. And so, feel
20 sure that we'll be doing good work here.

21 I want to be short and sweet and I've
22 never been that in my life. I have here, for the
23 record, I've submitted 42 testimonies that I have
24 submitted to Senator Heitkamp's office for the
25 Commission on Native children. These are 42 case

1 histories of testimonies that were taken on May
2 17th, 2013, at a national summit on child
3 welfare.

4 There is considerable violence in
5 these testimonies. There are children who are
6 being born -- at least three children who have
7 been born out of -- from the foster fathers.
8 There's a new thing happening here. It's more
9 egregious and so I leave this record with you
10 and, you know, I thank the gentleman who took the
11 testimony for a whole day and who became deathly
12 ill two days later just from the
13 testimonies that he had to hear. So, I am very
14 grateful for this record and we also have 80
15 additional testimonies from Standing Rock alone
16 that we reserve to pursue actions on.

17 So with that, I would read into the
18 record. What I came here was for the many
19 children. Many children are five Lakota children
20 who were adopted by a non-Indian in the State of
21 South Dakota. And I read for the record:
22 Honorable Senator Dorgan, Joanne Shenandoah, and
23 distinguished members of the Task Force Advisory
24 Committee, I come before you today as a tribal
25 council member of the Standing Rock Sioux Tribe

1 to offer the following testimony: Today I will
2 be presenting testimony about child abuse that
3 has and continues to have been in state licensed
4 foster homes involving Native American children.
5 In particular, abuse and neglect of Native
6 American in state licensed foster homes in South
7 Dakota.

8 In October of 2010, in the County of
9 Brown, Aberdeen, South Dakota, one of the most
10 horrific cases of South Dakota child abuse ever
11 to be reported was uncovered. This case
12 consisted of physical abuse and torture, sexual
13 assault, exploitation, rape, incest, and massive
14 exposure to child pornography.

15 To even make this case more
16 egregious, is the fact that this case involved
17 five Native American children who had been foster
18 children adopted by a white family. From the
19 time -- I'm going to not read the whole letter
20 here, but I'm leaving that for you in -- what
21 transpired later was that the Deputy State's
22 Attorney who was handling the case and the Child
23 Welfare Worker for the State, were indicted by
24 the State itself and charged with perjury.

25 To make a long story short, they were

1 acquitted. And so we're talking about
2 \$100,000,000 dollar subsidies that goes to the
3 state from HHS that we feel should be afforded to
4 the tribe and tribes for the children that we can
5 take care of ourselves. They should not have
6 a business of foster care and foster homes that
7 do not meet the standards and requirements of
8 foster homes by any state standards.

9 So, I submit this for the record on
10 behalf of the many children. I have some
11 recommendations, again, I'll try to be short and
12 sweet. Recognition -- my first recommendation is
13 the recognition of customary law. On behalf of
14 the Southern Council Fires of the Lakota Nation,
15 these represent the unwritten laws and principles
16 of our people. Our customary law is not theory.
17 It is based on natural law. We know the
18 importance of customary law. We know the
19 criteria for identification of customary norms.
20 Custom is the general practice that is accepted
21 as law.

22 A general practice in child rearing
23 in Lakota Country is based on kinship rules. Our
24 grandmother is the most eminent person of our
25 circle. She has every right to her family and

1 first right to her grandchildren.

2 Under the federal policy of
3 prohibition, of customary law from 1910 to 1978,
4 the customs went underground and prevailed. The
5 element of time has not diminished our customs.
6 Our own factors and definitions of wealth, power,
7 and size under customary law are not the same as
8 Western law.

9 The Indian Child Welfare Act did not
10 have a rule making process in 1978. Standing
11 Rock has adopted the customary law recognizing
12 the grandmother's private right to intervene in
13 the interest of her grandchildren.

14 With that, we are moving forward to
15 initiate the tenants of customary law in our
16 court system. We -- everyone has a right to a
17 mother, right to a father. When you have four
18 sisters, those children have four mothers. And
19 so you have not exhausted the kinship until you
20 have exhausted the four mothers for those
21 children.

22 So, we are working on developing
23 policy. On funding, I recommend that funding be
24 commensurate with the loss and use of tribal
25 resources of Lakota people. For example, if HHS,

1 Health and Human Services, funds 11 million
2 dollars for the research of the isolated gene of
3 the Lakota people, then HHS should also fund
4 Lakota for the mutual benefit, mutual protection
5 and participation of our people.

6 We need funding for safe homes, for
7 group homes, for dormitories, for safe houses,
8 for our children, for our women. There's
9 times of respite when we all have to take a break
10 from each other, from our own relatives, from our
11 own children. And as I said, those four mothers
12 have a responsibility as the first aunt who has
13 the most respect to the youngest aunt who has
14 responsibility, then those subsidies that the
15 State of South Dakota is getting, so generously,
16 need to be afforded likewise to Indian Country.

17 I have had a safe house in my home
18 from 30 years ago. I raised many, many children
19 on a moccasin string budget. That means nothing
20 at all but love and many, many children and
21 relatives.

22 So it's a natural order for a
23 grandmother and for aunts and for the women in
24 our society to make that available to our
25 relatives. And that's all we're asking. That

1 the funding be based on a social impact
2 assessment. I call it SIA and that methodology
3 be created from that social impact assessment
4 based on the loss of what resources have been
5 lost that we be compensated based on that
6 methodology and therapy could be a big operation
7 that we have coming from that funding.

8 The most important thing I say, I
9 dedicate to the many children, is to the Justice
10 Department. And I recommend that the federal government bring
11 charges against the many under 15 statute 635,
12 which is the "Bad Man" Clause of 1868 Treaty. That
13 guarantees damages and reparations for the harm
14 that comes to our people. We have an incredible
15 relationship based on the most principle documents
16 in this country and in fact in the international
17 community, which is the treaties based on the
18 supreme law of the land derived from the
19 Constitution of the United States. And we are
20 dual citizens in accordance with that statute.
21 We should be afforded the human right and dignity
22 to have our own dorms, to have our own homes so
23 that our children are protected.

24 Number two, reparations for the five and
25 Mette children for the damages done by the abuse

1 of the many under 15 Statute 635.

2 Three, federal charges against the
3 abuser in foster homes in South Dakota and to
4 other states under 15 Statue 635.

5 Four, federal reparations for damages
6 done to the children under 15 Statute 635.

7 Five, federal charges against the
8 Mettes under the Proxmire Act that was
9 passed by the United States Congress in 1988.

10 in closing, I say this: We
11 have endured our suffering. We have survived our
12 ordeals. We have even perfected a social grace
13 on burying our dead from suicide. The crying is
14 over. The grief is over. And we're taking
15 anyone to task that stops us, that tries to stop
16 us from incorporating our language, from
17 practicing our customary law, we are moving
18 forward aggressively as a people of Standing Rock
19 Nation. Thank you.

20 ANITA FINEDAY: Thank you, Ms.
21 Young. I think there are questions from the
22 Committee.

23 DELORES SUBIA BIGFOOT: I hope I
24 can formulate this right, Ms. Young. You talked
25 about the amount of money, 10 million, that goes

1 to the state for foster care. I'm sorry, 100
2 million that's foster care. And -- the need for
3 accountability. Would that be, I mean from my
4 perspective, it seems like that is state
5 sanctioned human trafficking. I mean, that --
6 taking children for profit. And, you know, when
7 we think about -- that's a lot of ineffective
8 services being given for the purpose of profit.
9 So I would call it, state sanctioned human
10 trafficking. Is that -- would you agree?

11 PHYLLIS YOUNG: I would agree.
12 I would agree that there are many crimes that are
13 prohibited by the Proxmire Act itself, from
14 transferring children from one group to another
15 group is a violation of the Proxmire Act itself.
16 And there are provision in the Proxmire Act, it's
17 a million dollars for the death, it's a million
18 dollars for bodily injury and other provisions
19 that are in there. But there -- there are
20 testimonies on human trafficking to Canada.
21 There are elements throughout these testimonies
22 that will be clarified in the Native children
23 forum that hopefully will addressed in
24 the future.

25 ANITA FINEDAY: Any other

1 questions? Thank you panelists. We would like
2 to take this opportunity to open the microphone
3 to anyone in the room who wants to make a
4 statement. We will allow people five minutes to
5 make a statement on open mic. If you will come
6 up and identify yourself.

7 JENNIFER MELLOTTTE: Hi, I'd just
8 like to greet you in my traditional Native
9 language. I come from the Standing Rock Nation.
10 (Speaking in Native language.)

11 My name is Jennifer Mellotte, and I
12 greet you all with a heartfelt handshake. And
13 like I said, I come from Standing Rock. And,
14 you've heard a lot of adults and other people in
15 charge come and talk to you, but what I would
16 like to give to you today is a message from the
17 youth. And it's a very bleak one.

18 Our youth are suffering. They're in
19 agony, they're in such pain that they've chosen
20 to end their lives. We just buried one today.
21 The suicide is coming back again because they've
22 lost hope. There's such ugliness and horrible
23 negativity that's surrounding them; human
24 trafficking, rape, drugs, alcoholism, sexual
25 assaults. All of it's here. No one is doing

1 anything about it. You're letting them slide
2 away. You're letting them suffer.

3 I'm so thankful that you're here to
4 actually listen to them and that I'm here to give
5 this message to you. Come down, come see them.
6 They're waiting for you. They want to know you.
7 They want to show you that they are people too
8 and they need you to show them that you respect
9 them as individuals. That you realize that they
10 are the future of our Nation, of my people. And
11 that they don't have to be alcoholics; they don't
12 have to be druggies; and they don't have to be
13 uneducated. And that they are not team mascots.
14 That their culture is not a fashion trend. And
15 that their language and traditional ways are
16 nothing to be made a mockery of.

17 They need your support. They need
18 funding for programs, for treatment for their
19 parents. They need funding for their
20 grandmothers if they have to go and live with
21 them, and they need support getting an education
22 so that they can come back and help our other
23 families, our other friends, our other relatives
24 to continue and mend our society, our broken
25 circle.

1 There's so much negativity that's
2 outside in this world. It's starting to seep in.
3 And it's taking a horrible toll on our children.
4 And they ask for your help, your love, and your
5 support. They ask that you come and care for
6 them. To show them that not everything about
7 this outside world is as ugly as it appears.

8 So please, come down to them. Show
9 them that you care. Be there for them so that we
10 can finally mend our circle. Thank you so much
11 for your time.

12 ANITA FINEDAY: Thank you.

13 YVONNE WYNDE: (Speaking in
14 Native language.) I just said my relatives, with
15 a glad heart I shake your hand. There are many
16 things that we could speak about but I'm going to
17 just read some things to keep things in order
18 that are important to me. And that one is the
19 loss of our traditional parenting and I think if
20 we did have --

21 ANITA FINEDAY: Excuse me, would
22 you like to introduce yourself?

23 YVONNE WYNDE: Yes. My name is
24 Yvonne Wynde and I'm the Director of the Early
25 Childhood Intervention Program of the Sisseton

1 Wahpeton Oyate. I think I traveled about five
2 hours to get here today, and I'm anxious to get
3 this before you. And I'm thanking for the
4 opportunity to be able to speak to you.

5 This testimony conveys the state and
6 the status of children of the Sisseton Wahpeton
7 Oyate of the Lake Traverse Reservation which is
8 located in Northeastern South Dakota. Studies
9 indicate that impoverishment has adversely
10 affected their intellectual growth and physical
11 development. South Dakota tribes have the lowest
12 education levels for Native American students and
13 the highest incidences of mental and physical
14 health issues. There is a soaring suicide rate
15 in Native American communities, high incidence of
16 diabetes, heart disease, and cancer.

17 As a brief history, the Sisseton
18 Wahpeton people resided in the Minnesota
19 Territory until the Dakota Battle of 1862, about
20 150 years ago and in my case, three generations
21 ago. This caused removal of all Dakota people
22 from their territory. These people were forcibly
23 removed to South Dakota, North Dakota, Montana
24 and Nebraska. Some fled to Canada and have never
25 returned to reside in the United States.

1 At the root of child neglect and
2 abuse problems is the loss of traditional
3 parenting methods and patterns. The disruption
4 enforced removal to new territory, removal of
5 children to boarding schools, have caused the
6 disruption in traditional parent training.

7 For example, in the past generations,
8 physical punishment was not used as a
9 disciplinary measure. In fact, one of the words
10 for children in the Dakota language is WAKAN IZA,
11 meaning they are also sacred. In these teachings
12 and beliefs, parents would hesitate to physically
13 abuse a sacred being.

14 Parents were taught to have no more
15 than four children as this was a full-time care
16 for children. The traditional childhood birth
17 order names bore this out. Girls names were
18 Winona, Hapan, Hapsti, and Wanske. For boys it
19 was Caske, Hapi, Hapan, and Catan. This did not
20 mean one should have eight children. The first
21 born whether a boy or girl was treated with great
22 care. They were taught throughout their life
23 that they had the tremendous responsibility to
24 care for their tiospaye or the larger family
25 group. These teachings have been lost.

1 The noted author and physician, Dr.
2 Charles Alexander Eastman, said he was the
3 "pitiful last" child in his family. In his
4 generation, the number of children in a family
5 was noted. In today's world, it is a financial
6 burden to have too many children.

7 There was a separation of sexes in
8 the old community life. Children stayed near the
9 women to learn their roles in life and the boys
10 stayed with the men for their teachings. This
11 provided added protection for children. For more
12 protection, the grandmother was never far away
13 from adolescent girls. Today, Dakota children
14 are vulnerable to sexual violence, human
15 trafficking, and sexual solicitation through the
16 Internet and cell phones by predators.

17 The boarding schools provided many
18 educational opportunities for literacy in the
19 mainstream Euro-American culture but this was
20 where the traditional parenting was diminished,
21 as it was not taught. Brutal violence against
22 children was a reality there scarring the
23 generations that followed.

24 The ability to learn the Dakota
25 language, culture, and history was not taught in

1 schools during early reservation days creating a
2 legacy of losses for subsequent generations. Low
3 education attainment in the present has caused a
4 lack of tribal social capital to fill the jobs
5 that require education, certification, and
6 adequate job skills in all areas of employment.

7 Today, the Sisseton Wahpeton Oyate
8 has developed programs to meet the needs of their
9 children. The Early Childhood Intervention
10 Program gives support to children ages zero to
11 five who have disabilities or delays and have
12 reached about 500 children this year. They also
13 provide parent training once a month. Many
14 traditional Dakota parenting patterns will never
15 be recovered due to years of repression by the
16 dominant society.

17 Sisseton Wahpeton Oyate Early Head
18 Start and Head Start programs are offered and
19 teach many children during the year. Family and
20 Child Education, FACE, Program at the Enemy Swim
21 Day School provide the opportunity for parents to
22 support their child's learning in the classroom
23 setting.

24 Child Protection Program provides
25 support for children in need of safe homes.

1 These three programs also offer parent training.
2 Several day care centers are in operation and one
3 is managed by Sisseton Wahpeton Oyate. The Child
4 Support Program assists parents to provide
5 financial care for their children.

6 In summary, many other programs
7 indirectly provide services to Sisseton Wahpeton
8 Oyate children such as childcare, early
9 intervention and preschool services, health,
10 wellness and recreation services, and family
11 services, and support. Still there are deficits
12 and many children have not been served due to
13 years of inadequate funding.

14 Sequestration has further affected
15 the reduction of many necessary services; yet,
16 there is more need to adequately care for
17 children. There is a dire need for safe
18 facilities for pregnant women and for children
19 who are removed from their homes; the best
20 qualified and trained teachers to improve
21 learning. Caring mental health and pediatric
22 professionals are essential to children's health.
23 Year round camps would be a luxury for children,
24 but a safe learning environment would be
25 available to them.

1 I also want to say that my son is the
2 only psychiatrist, Dakota psychiatrist in this
3 area, in the -- he worked at Sisseton Wahpeton
4 Indian Health Services until recently.

5 I want to thank you for this
6 opportunity to address the needs of our most
7 important resource, Sisseton Wahpeton children,
8 and to hear recommendations for a better future
9 for them. Thank you very much.

10 ANITA FINEDAY: Thank you. Just
11 a note, if the ones who are providing testimony,
12 if you want to submit your written testimony
13 today, you can hand it to Bonnie Clairmont.
14 Thank you.

15 PETRA REYNA: Hi, my name is
16 Petra Reyna. I'm from Standing Rock.
17 I call myself a "child of relocation." I'm a
18 child born from government policy. So, when my
19 mother went up to relocation in Cleveland, she
20 met my father who is Mexican and came from Texas
21 and his family were migrant workers who moved and
22 relocated up into Ohio.

23 I have my Bachelor's degree in
24 Biology and started to be a teacher. And when I
25 started teaching summer school for high school

1 kids, I said this is too hard. I'm going to
2 medical school. So, I went to medical school and
3 completed three years. Due to health issues and
4 issues with some of the -- with the University, I
5 didn't complete my study, but I did return home
6 to the Standing Rock Reservation and started to
7 teach Biology for the high school. But I work
8 with youth a lot. I just want to share some of
9 the things that I see and in discussions with the
10 students, is that we lack the recognition of
11 basic civil rights on our reservation. So when
12 we talk about bullying, there's deeper issues
13 there. There needs to be an acknowledgement of
14 basic civil rights for our children all the way
15 up to our adults. And sometimes I think that --
16 the hardship that I have experienced have open my
17 eyes to that. And I experienced that in medical
18 school too, where I didn't know where to go to
19 file for discrimination and later -- five years
20 later, I find out that it's the Department of
21 Health and Human Services.

22 I -- in our court system, my 3rd child -- we had a
23 disagreement and I don't believe as a Lakota mother that I should let my
24 son stand up to me and push me. He lives under

1 my roof, he should follow my rules. But yet, the
2 court agreed with him and allowed him to get sent
3 from the home. So, I had my basic civil rights
4 violated. I didn't have due process and took it
5 to the Supreme Court and won. But by that time,
6 they were already off the reservation.

7 I've seen that in high school with
8 the students. When they don't have a voice and
9 there was something that wasn't an issue that
10 came up, it's easier to push the child about who
11 doesn't have the family that's outspoken. And
12 they're not -- they don't know what they're
13 supposed to do. I ended up being the general
14 Biology teacher to going into alternative ed
15 because I felt like as a teacher, I needed to
16 focus more on an individual where I could help
17 them and help them in their basic skills. Ms.
18 Rena (phonetic), I can't make it to school. How
19 come? I don't have nobody to wake me up. Okay,
20 let's get you an alarm clock.

21 So those basic -- just those basic
22 things, you know, need to be instilled. I don't
23 want to repeat too much what was said:
24 Parenting. There's a lack of parenting. It
25 broke my heart to know that kids wanted to

1 graduate and one sat on my desk, and she said Ms.
2 Rena (phonetic), my mother said if I graduate,
3 she's not going to be there, she's not going to
4 come.

5 And so, what is the solution? Mental
6 health services. We need mental health services.
7 We need the people trained on how to deal with
8 intergenerational trauma. I was sitting --
9 hardly watch TV -- but last night, I was watching
10 the special on suicide. 38,000 suicide in the
11 U.S. nationwide. So it's a problem across the
12 U.S., and it's not just in Indian Country. One
13 out of five of them are veterans. Well, in my
14 family alone, for the past five generations,
15 we've had veterans in our homes. And so, we have
16 those veterans coming home and they're becoming
17 parents and they don't have the skills to deal
18 with PTSD and then on top of that they're being
19 new parents. Of course we see that in the past
20 generations too.

21 So then they're deemed unfit and
22 they're taken away. We need those mental health
23 facilities. As a medically trained person, what
24 is the protocol for our children who attempt
25 suicide off the reservation? You call the

1 police, you're taken to the ER. You're taken to
2 the mental health facilities, they're evaluated,
3 they're treated by the physician.

4 What I have seen in the past six
5 months on the reservation when someone tries
6 to commit suicide, they're taken to the ER, and
7 they're released that very same night. Nothing
8 else is done. No evaluation, no -- nobody
9 watching them. So there's no protocol in place.
10 There's nowhere to take them. There's nowhere
11 for counseling or for them to get evaluated. So,
12 I see a total lack of mental health services for
13 our children -- for the children who are at risk.

14 I think about meeting the statistics
15 for WIC. About three years ago, they said
16 there's two mothers breastfeeding on Standing
17 Rock. And I think of Harlow's monkey. So, you
18 have that total disconnection of those mothers
19 from their children. They're not bonding. And
20 then it made me think of gee, just think of all
21 the mothers that went through boarding school and
22 never had parent, never had a mother or a
23 grandmother to hug them.

24 So we're seeing that effect. That
25 Harlow monkey effect where you're detaching from

1 your parent. You don't have that connection.
2 So, we need those mental health -- and the answer
3 isn't just to go off to the University and get a
4 psychology degree or become a doctor of
5 psychology and then come home and use their
6 techniques.

7 Like they said, the answer comes from
8 us. And reestablishing those customary laws
9 where the grandmothers take their children and
10 they say, I'm going to nurture you. When you're
11 pregnant, you're staying with us and I'm going to
12 be there for the whole process and when that baby
13 is born, I'm going to be there to support you.

14 So, we need to reestablish our
15 support group. So thank you. Thank you for
16 listening. I know it's been a long day.

17 ANITA FINEDAY: Thank you.

18 DELORES WHITE: I'd like to
19 thank you for coming -- I mean, for me to come
20 and you coming and having this. My name is
21 Delores White. I'm from the three affiliated
22 tribes, Mandan, Hidatsa, and Arikara. And I come
23 from a little town 350 people from the White
24 Shield Community. And if you ever come to our
25 community in White Shield, I will treat you like

1 a king and a queen, I guarantee you that.

2 And I really -- I'm a liaison for the
3 Chairman Tex Hal for the community. And people
4 always ask me what a liaison is. I tell you
5 that everything you can put under your -- I can
6 do it, I tell you.

7 I worked in the industrial field with
8 the natural gas companies. I ran heavy
9 equipment. I did a lot of things like that. I
10 also am a mother of two successful children, got
11 three grandchildren, and I run a tough ship, I'll
12 tell you that right now too. But I got a lot of
13 training from my folks. My folks -- my dad
14 worked, my mother didn't. I have two sisters and
15 five brothers and we made it. They made us work
16 and they never stopped and they said if you want
17 to get anywhere, it was education and work no
18 matter what. Do something with yourself. But
19 they treated us with love. That's what counts is
20 love.

21 I don't care who you are, if you have
22 grandchildren or anything, give them a hug. Tell
23 them, how's school? It really makes a
24 difference.

25 And I would like to invite you guys

1 to the three affiliated tribes and why, it is
2 because we have the oil industry there. It came
3 in like a fire and it isn't going to go out for
4 the next 13, 14 years. And nobody was prepared
5 for this. Nobody was. We have already children
6 trafficking sixth grade on up. Can you imagine
7 that? And what's so troubling is that a lot of
8 these kids come from broken homes. And a 100
9 dollar bill means something to them because they
10 never ever got a 100 dollar bill. So, they're
11 trapped. So that person that's peddling them
12 drugs or sex or whatever, here's your 100 dollar
13 bill; that's all they get and then torture or
14 whatever you want to call it. But that's wrong.

15 And, I get so upset because we do
16 have domestic violence. We do have child abuse.
17 We do have dropouts and they're going nowhere. And
18 the worst thing we could ever have in this State
19 of North Dakota is meth. Meth is bringing us
20 down. And there's 21 babies that are never going
21 to come home. Why? Because their parents were
22 on drugs: Meth. So, them babies, where are they
23 going to go? Who's going to nurture them?
24 They're never going to see love. They don't even
25 know what love is because they have to be in a

1 facility where they wouldn't even know where they
2 came from. And that's really hard for me
3 because, you know, my parents really treated us
4 good and our grandparents.

5 And what I say is that our folks and
6 our grandfolks always said, you're an angel from
7 when you're baby until you reach adulthood and
8 then you're an adult.

9 And children don't lie. You teach
10 them to lie. That's where we say, don't you say
11 that to the cops. Do you say that to the social
12 worker or don't you, you know -- that's what
13 parents do, because I've seen that. I witness
14 that.

15 And the last thing I want to say is
16 that Friday I had my whole schedule filled out,
17 I'm a pretty busy person, and I was doing the
18 elderly program to go gets gifts and stuff for
19 them on December 18th, and my daughter is a
20 police officer for the Fort Burthold Reservation.
21 And I always tell her: Could you go get a
22 different job? But she likes it. Why, I don't
23 know. But, the thing about it is she comes and I
24 have to listen to her tell what happened 'cause
25 she has to express herself and can't keep in.

1 You keep it in, it's going to bring you stress,
2 high blood pressure, all that stuff. So you got
3 to release it. So I listen to it and I go in the
4 room and I cry because it's all about children.
5 Nobody wants them.

6 And that's what happened Friday was
7 this young boy that got abused by his dad.
8 Nobody wanted him; not one relative wanted him.
9 So she asked me, mom, you've got to help us. I
10 said, all right, I'll help you. I never raised a
11 boy. You know, that's really different and I
12 gave this little boy -- he's not a little boy but
13 I call him that -- and I knew -- he came into the
14 house with a duffel bag, like kids put their
15 books in, one pair of pants, one pair of socks,
16 and two shirts. That's what he had. And I said,
17 didn't your folks get you no clothes? No. So we
18 -- I had to go to Minot and order them
19 , and I said, well -- my granddaughter
20 and him went in the mall and I have him a credit
21 card, not a big one but a small one, to get his
22 necessary things. He gave me the credit card
23 back and said, I never spent it all. I said you
24 could have. He said can I get a phone card and I
25 said yeah, you can go get a phone card. So he

1 went and got a phone card just to call his
2 grandma and say that they're going to fly him
3 back to his hometown away from his father. But
4 that's good. You know, I think that's good. A
5 good way to go.

6 But always remember children are
7 precious and we teach -- we're the teachers, and
8 we guide them. And even if you sit down here and
9 you listen -- I got food, 'cause you're under my
10 roof. You got to listen to them. It ain't about
11 slapping them up, taking a whip after them or
12 kicking them in the butt or whatever, it's
13 sitting down there and talking to their level.
14 Put yourself at their level and say, what's the
15 matter? Are you having a bad day? What
16 happened? You know, and then they'll start
17 talking to you and they'll trust you. And it's
18 trust. It's all about trust. And I thank you.

19 ANITA FINEDAY: Thank you.

20 SANDRA BERCIER: I want to
21 acknowledge my sister, that was her, and I know
22 she's having a hard time because she said, I have
23 two sisters and five brothers. And I was like,
24 you do not, you have two brothers and five
25 sisters. So, I'll correct the record.

1 (Speaking in Native language.) My
2 name is Keeper of the Medicine. My English name
3 is Sandra Bercier. And I stand here not as a
4 professional because I do -- I work for the
5 Native American Training Institute here in
6 Bismarck. I am an enrolled member of the Turtle
7 Mountain Band of Chippewa.

8 I stand here as a mother, and I'm
9 just going to take a minute of your time 'cause I
10 know it's cold and it's late. But, my children,
11 two of my daughters, are survivors of being
12 physically and sexual abused by a choice that I
13 made. And I'm grateful to TLPI and -- that they
14 had a safe room for me today 'cause I hit a hard
15 patch earlier and I had to leave for a while.
16 'Cause -- and it's been 14 years since I got
17 away. And, you know, I went and I stayed in
18 Kyle, South Dakota with my family, those girls'
19 grandparents come from down there. And I stayed
20 at (inaudible) which no longer exists because
21 they lost their funding. Okay? So, that's one
22 thing. We need shelters on our reservations for
23 women who want to protect their children.

24 The other thing that I just want to
25 say is that the way that -- I have a daughter

1 going to medical school right now. She's going
2 to be a pediatric oncologist, one of those girls
3 that was molested. She won. The man that
4 molested her is still alive; he's a professional,
5 he's not an addict. He said that he's a pipe
6 carrier, he said he's a traditional person. You
7 know, somebody said earlier, Cecilia said, you
8 know, when a man does that, he has to -- he needs
9 to put those things down 'cause that's not a man.

10 But, I guess I want to say is that
11 the thing that healed us was our love for each
12 other and our traditional ways.

13 I took my kids into ceremony and that's
14 what healed us. We went in there over and over
15 and over.

16 So, programs on and off reservations
17 -- 'cause this happened here in Bismarck, North
18 Dakota to my children, you know. So we needed
19 something here -- earlier somebody said, you know
20 where to go to get that kind of thing. Not
21 everybody does. I know where to go. You know,
22 so I went home. But not everybody knows, and I
23 think that's one of the things that can save our
24 children is that they're afforded -- families,
25 mothers, you know, that they're afforded that

1 cultural healing and that often isn't available
2 in your everyday services.

3 So, I really think that the panel
4 needs to think about incorporating, you know,
5 traditional cultural healing into their services.
6 And I wrote a thing, and I didn't even look at
7 it. But I appreciate your time and I wish you
8 all safe journeys. And if you do get to White
9 Shield, North Dakota, she will take care of you.
10 She takes care of her people like they're all
11 kings and queens; my sister does.

12 ANITA FINEDAY: Thank you.

13 JOANNE SHENANDOAH: I'd like to
14 ask one more time if there is anyone else that
15 would like to make a public statement? And if
16 you are in a position where you prefer to write
17 it in, then we will be happy to look it over.
18 And we appreciate you reaching out to other
19 people in your communities to ask them also to
20 stand up and be counted because this is how we
21 will make change.

22 I want to thank everyone for coming
23 here today. I just want to share with you
24 briefly a small Iroquois story that we tell
25 because I want to leave you with a very good

1 feeling. And that is: There were seven young
2 children being mistreated by their parents. They
3 had forgotten their traditional ways. And so,
4 they decided to get together and meet in private
5 and they would discuss how they would make their
6 journey back to sky world and they decided that
7 the power of song and dance and their traditional
8 ways was very important so they began to sing.
9 And they shut their eyes and they started
10 thinking of their ancestors and the stories that
11 they heard and their grandparents, those that had
12 passed on. And they started making that journey
13 across the Milky Way and started dancing all
14 through the stars. One little boy missed his
15 mother and he fell back to earth and now there's
16 a falling star. It's a beautiful story but one
17 that's very real to us because we know that
18 children are sacred. We've heard that today and
19 want to thank you.

20 So on behalf of myself and the
21 Advisory Committee, I would like to say thank you
22 to the witnesses and our audience who's listening
23 today. As co-chair, Senator Dorgan indicated at
24 the beginning of this hearing, this is the first
25 public hearing to your testimony surrounding

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2 in your everyday services.

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22 to the witnesses and our audience who's listening
23 today. As co-chair, Senator Dorgan indicated at
24 the beginning of this hearing, this is the first
25 public hearing to your testimony surrounding

1 American Indian and Alaska Native children
2 exposed to violence.

3 The Advisory Committee will convene
4 for three other hearings. Hearing number two
5 will be on February 11, 2014, in Phoenix, Arizona
6 and the theme for that hearing is Juvenile
7 Justice Response to American Indian
8 Children Exposed to Violence. Hearing number
9 three will be on April 16th and 17th in Fort.
10 Lauderdale, Florida, immediately following the
11 NICWA conference. The theme for hearing three is
12 American Indian Children Exposed to Violence in the
13 Community. Hearing number four will be June 13
14 to 14 in Anchorage, Alaska, following the NCAI
15 mid-year conference. The theme for hearing
16 number four is Alaska Native Children Exposed to
17 Violence, Special Issues in Alaska.

18 Please do visit the website at
19 www.justice.gov/defendingchildhood/. And please
20 share that with your communities. We really wish
21 that you get the word out.

22 I also want to say, you may certainly
23 also submit written testimony to testimony@tlpi.org. Thank you
24 again for coming today.

25 Many blessings to you all. And at

1 this time, we'd ask Jim Clairmont to come on up.
2 Thank you for coming today, and we now adjourn
3 the first public hearing of the Advisory
4 Committee of the Attorney General's Task Force on
5 American Indian and Alaska Native Children
6 Exposed to Violence. Thank you very much to the
7 Advisory Committee.

8 (Hearing adjourned.)

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