(A brief break was taken.)

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

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

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

Let me ask you to proceed, Linda.

And we will have a ten-minute presentation from each of you three. Linda Thompson.

LINDA THOMPSON: Thank you.

After we started the Victim Assistance Program, we were the last reservation in North Dakota to have a service that addressed the needs of crime victims. So, it was parole and probation and it was a small grant like $25,000 that came to Spirit Lake, and I was hired with that money to provide services.

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

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

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

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

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

These programs provide direct
services to victims on the ground. They are the
first responders, the Tribal Police, the BIA
Police, the Advocacy Program and Social Services.
I have testimony that I submitted
and it's lengthy and it has a whole bunch of
different information, but I think I'm just going
to tell you a couple of stories about the stuff
that has happened during my years in advocacy. I
was with an advocacy in Minneapolis/St.Paul,
that's where I'm originally from. And, I worked
for a battered women's shelter there called
Women's Advocates and outside ties to the
Children's Mental Health Association and PATH,
which is a Professional Association of Treatment
Homes, in which I was a foster care parent and
later adopted.

During the time that I was doing the
adoption, and I took kids that weren't able to be
placed in regular county homes because they had a
lot of abuse issues. I took children from
Minnesota tribes. And during that time, one of
my children was victimized, was sexually
assaulted. And I went through the state system.
And I reported it immediately once we knew, and
my child was four. And I really thought - as I was
an advocate already and had all that extensive
training and knew what to tell other people, but
as that reversed and it became me and my family,
I realized that I did not understand the impact
that happened to a human being.

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

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

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

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

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

So in 1995, I moved to Spirit Lake
And I know there is a lot of controversy and I get really defensive because that community welcomed me and my children there and they provided a place of safety. And I learned a lot about culture and traditions and healings and it continued. And they allowed me, an Ojibwe woman, Ojibwe is traditional enemy of the Dakotah, they allowed me to start a program and to help hundreds and hundreds of people and to create hope for everybody and to be a part of their community. And my kids ended up graduating, I have two children who are enrolled there.

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

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

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

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

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

The criminal justice system is good
if it works, and sometimes it doesn't. And for us
in Indian Country, the prosecution is a lot
lower. But, you know, they're an hour or two
hours away from us, you know, to get there. So
it's our people, we need training; we need the
resources to be able to provide that; doing
domestic violence training and bringing it out to
our communities.

We also have reentry programs out
there. Our reentry center does not have a
cultural component nor does it have a parenting
component. In both of those, we have 80 percent
reentry up there in the region and of the 80
percent, 50 percent are from Turtle Mountain, 50
percent are from Spirit Lake. And when I go to
those meetings, there is no cultural piece to it
to help us to know who we are because it's not
accurately taught in history, history books.

Thank you for listening to me.

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

Next we will hear from the Chairman
of the Spirit Lake Tribe, Leander Russ McDonald.
Mr. McDonald, Chairman McDonald, has previously
been Vice President of Academic Affairs at the
local tribal college. He has a bachelor's degree
and master's degree and a PhD in sociology and educational foundations and research. He's a veteran of the army serving from 1981 to 1984. And I'm pleased to recognize the Chairman of the Spirit Lake Tribe.

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

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

SENATOR DORGAN: Do you wish to identify them?

LEANDER RUSS MCDONALD: I could.

We have Representative Brownshield from the Fort Totten district, Representative Dubois, from the Crow Hill District and our secretary/treasurer, Nancy Greene. So, I really appreciate them being here today.

So, with that, I will begin.

(Speaking in Native language.) Good morning to everyone. My name is Russ McDonald, I'm Chairman of the Spirit Lake Tribe, located in northeastern North Dakota. Since being sworn into office on September 10, 2013, and for previous councils,
child protective services have been a primary issue of concern for our tribe.

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

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

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

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

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

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

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

Despite having turned back the CPS
Program, the tribe continues to administer the Title IV-E Foster Care, Indian Child Welfare Act, and Family Preservation programs under the Spirit Lake Tribe's Social Services Program. All four of these programs are recognized as critical to the protection of American Indian children for many of the reservations throughout the nation.

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

In regard to law enforcement, Spirit Lake currently has one officer on per shift for all seven days of the week. That officer must respond alone even in what are considered high crime times such as Thursday and Friday nights for a 248,000-square-acre reservation. The lack of law enforcement personnel is an issue that has been raised by the tribe for well over a decade and poses several issues for our office and the community.
The first is that an officer cannot
leave a call until he or she has closed out the
call; therefore, if another call comes in while
the officer is out on that call, the second call
must wait until the first call is closed out.
This is compounded by the possibility that one
call may be on one side of the reservation and
the second on the other, which is a 40-mile drive
for us.

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

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

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

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

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

Additionally, concerns have been voiced by our tribal prosecutor over recent placements of children in relative care when the families receiving the children have not been
properly screened.

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

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

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

We are strong believers that we have the answers to our problems and change must come from within our communities. The plans developed through this process must have the full support
of tribal leadership and we must recognize the
role that our unique cultures play in addressing
this issue within this contemporary society.

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

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

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

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

Concerns were directed at Child Protection Services and law enforcement deficiencies. The concerns of the community have been echoed by myself and by many tribal leaders before me. In order to adequately respond to children in need of protective services, we need sufficient law enforcement personnel and sufficient Child Protection Service personnel. Trained service providers are essential to addressing the special issues relevant to responding to Child Protection Service cases.

Equally important, is that these providers not be so overloaded with cases that they are unable to dedicate the necessary time to each child in need.

Moving forward, our vision as a tribe

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

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

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

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

Communication and collaboration
between law enforcement, Child Protection
Services, advocates, and tribal courts to
strengthen the overall system response to 
children in crisis.

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

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

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

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family counseling, addiction services, and family advocacy.

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

Ally my relatives.

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

Finally on this panel, we'll hear from Sarah Deer who is an Assistant Professor at William Mitchell College of Law. She is a committed activist in the movement to end violence against Native women. In 2009, she was as an Assistant Professor at William Mitchell College of Law, becoming the eighth woman tenure-track law professor in the United States who is also an enrolled member of her Native tribe. She's an online instructor of legal
studies at UCLA Extension and former lecturer at UCLA Law School and is formerly employed by the U.S. Department of Justice in the Office of Violence Against Women.

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

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

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

I have two goals with this testimony. First, I want to give you some background into the work we did as the first National Task Force and how we developed this recommendation. Second, I want to offer some brief remarks on the
topic of children exposed to violence in the home.

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

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

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

While I can't speak for all members of the Task Force, I can tell you a little bit about my perspective on this recommendation and specifically, what we meant by this question of complexity, 'cause what we said was the first task force could not adequately address the
I see three separate but interrelated issues that create this complexity. First, jurisdiction. Full examine of jurisdictional issues was beyond the scope and the expertise of the first Task Force. And we know that Native children cannot be adequately protected from violence unless and until jurisdictional uncertainty and complications are addressed systemically. This requires a close consideration of legal issues such as inherent authority, jurisdiction over non Indians, as well as concurrent and state and federal authority.

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

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

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

Alaska Native youth."

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

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

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

The only challenge we have now is there a lot of moving pieces. All right? There's a lot of people doing a lot of different things. And so I think one of the challenges for this task force is to make sure that these things are being done in harmony.
Now, there are still obstacles to improving the high rates of violence and trauma. I always explain to my law students that it is rare for a system to correct itself overnight. It will be a continuing, sustained effort by both tribal leaders and federal leaders to make long-term changes.

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

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

For the sake of Native children, I
stand ready and committed to support your work in any way that I can.

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

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

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

And my last comment has to do with
gun violence. We know that suicide rates and 
homicide rates are very, very high in tribal 
communities, and many of those tragedies involve 
firearms. I understand that the ownership and 
possession of weapons is a highly sensitive topic 
in tribal communities because of treaty hunting 
rights and subsistence hunting practices.

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

The other issue that I just want to 
say really briefly was about a Native victim 
incarcerated. I'm working with a woman right now 
who is sentenced to 10 years in federal prison 
for a crime that she committed as a result of 
high trauma. This same crime has been committed 
by white women in state court in North Dakota who 
received probation for the same crime. And so, I
urge you also to consider the needs of incarcerated victims in your deliberations.

Thank you, again, for this opportunity and I stand ready to answer any of the questions you have.

SENATOR DORGAN: Sarah, thank you very, very much for your service particularly on the first commission and now for your testimony today. Questions for this panel?

Members of the task force, any questions for this panel?

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

LEANDER RUSS MCDONALD: Well first of all, just having some detention facilities on the reservation would be helpful. Right now our kids go off to a facility in Devils Lake which is not too far, about 13 miles off, and we've been working with Devils Lake in that regard and Judge Foughty, he's the district judge
there, and he's been pretty good about coming out
to the community and meeting with us in regard to
this issue.

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

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

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

EDDIE BROWN: Thank you. This

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

LEANDER RUSS MCDONALD: I think you've heard it today already in a number of presentations or testimony provided for us is that, as I sat in the back and listened, I think there's a theme that's been there that we have the answer to our issues that have to start with our cultures. As a result of the loss of our culture, we're in a situation that we are in right now. And what happened is that the sexual abuse against kids, these sex offender type, these rape actions are truly not a part of our culture. And from what we understand from the stories that they tell us and our traditions is that people that committed those types of crime were ostracized, they were banned from our camps.
And so, I think there is culture pieces there within our traditions that we can use in order to build these models that need to be built.

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

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

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

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

    And I think for Child Protection Services, we will continue to build an infrastructure. For us and we're relying, I think for the most part, on Native, because of the policies at the state level that we need to adhere to in order to make sure that the work that is done in our community -- that funding is available for that work that's being done in our community. So, we have non Natives there -- you heard it again this morning, is that if we are going to bring people from the outside, in order to do this work, we need to be sure that there has
to be some type of cultural component for those outsiders who are coming into our community. Those of us that lived there are already -- I think it's not only for us but some of those who come back into our communities as well.

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

But what happens I think sometimes, especially with my background in sociology, I didn't know I had culture until I went to school and they say you've got culture. I come to
realize that we all have our own culture and that
has to be implemented. I know you are asking for
a more specifics on that but I think that has to
come from the individual community and that
specific group.

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

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

Good families and good communities don't allow these things to happen. That's one perception.

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

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

And then my favorite, in Public Law 280 states, we say things like I'm
sorry, we've come to the wrong emergency room, we
can't help you even though we can see that your
ankle is broken and even though we're the only
provider in the community. Hearing that
example, the emergency room, is that they know
that the only one available in their community is
the tribal court under the tribal system which
they are not allowed to access.

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

And so, my very long question,
example and question to you is: What are some
strategies that we can use to get past that so
that children hear what we need them to hear,
that it is okay to go and report and it is okay
for families to be able to address their families
and also in our communities and that we are
empowered to do something about it?
LEANDER RUSS MCDONALD: All I could think about while you were saying that is that sometimes we need one of them to bring this issue up. If that community doesn't have those resources, law enforcement, judicial system, and Child Protective Services to respond to that issue that this family, that this child has brought forth, we need that. That has to be there. And create that safe environment to those children in order to share that story.

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

Also, there is a lot of shame and embarrassment because of misunderstandings about victimization, and a lot of people own that as somebody going to look at my family differently or they're not going to trust us, they're not going to like us. You know, they just have all these other -- in some cases those are true because there is such misinformation and misguidance. So, I think just the education,
getting the information out in the community,
Good Health TV, and posters, and seminars, and
community meetings and making sure we're living
that, as examples for our community and that we
are not a part of that problem of continuous
victimization.

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

    DELORES SUBIA BIGFOOT: I like the
idea of a hotline. Going back to what happens
with youth when they are in these home situations
and they, you know, get exposed to different
kinds of violence and they end up doing things
that are legally wrong, so they vandalize, they
do something, and Dr. McDonald, you know, what we
need is more detention centers. When you said
detention centers and I just cringed. I cringed,
you know. And I don't think that that's a
solution. I really -- Eddie was asking what
would be culturally-based services. I think this
is where we're, you know, at the place between
the hard rock, whatever it's called, and this is
where we're going to start saying we can't build
more detention centers. We don't need more money
for detention centers.

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

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

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

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

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

So I think along the lines -- I hear your comments to that, and I think that's a
possibility for them because what we’re seeing in
the data that this stuff is intergenerational and
people are learning these activities that becomes
a norm for them. And so we have to break that
cycle and it truly has to be a family approach
because of what we're doing, we put these kids
and we get them well, and they send them back to
the same environment that they're in and they, at
that point begin drinking or using back, in the
trouble again.

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

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