ATTORNEY GENERAL'S ADVISORY COMMITTEE
ON AMERICAN INDIAN/ALASKA NATIVE CHILDREN
EXPOSED TO VIOLENCE

HEARING #1 December 9, 2013
Bismarck, North Dakota

Theme: American Indian Children
Exposed to Violence in the Home

Bismarck Ramkota Best Western

Reporter: Kristen M. Keegan
SENATOR BYRON DORGAN: Thank you very much. We'd like to call this meeting to order.

I'm Byron Dorgan. I, along with Joanne Shenandoah, will be co-chairing this public hearing on the Attorney General's Advisory Committee on American Indian/Alaska Native Children Exposed to Violence. This is our first hearing in a series of hearings that we will hold on this important issue.

Before our meeting begins, we'd like to introduce Mr. Jim Clairmont who will be providing our invocation. Jim is a member of the Rosebud Sioux Nation, provides spiritual guidance and support for those in need including victims of crime and abuse. Jim is known for his healing ceremonies and spiritual services. Jim, we very much appreciate you being with us this morning.

(Jim Clairmont gives Invocation.)

SENATOR BYRON DORGAN: Jim Clairmont, thank you very much for the inspiration this morning. Next, the attorney general, Eric Holder, is not here. His Associate Attorney General will be along, we had an airplane issue last evening, but will be here with you later this morning. But, it's because
of the Attorney General's commitment of
addressing violence in American Indian
Communities, that we convene, and he has provided
for us a video with an overview of the
information about his charge to this task force
and recommendations to the ability to stop
violence on reservations is what he hopes to
achieve from this task force. So, we will now
see a very brief video from Attorney General Eric
Holder.

(First attempt to play video of
Attorney General Eric Holder.) (Fixing sound to
play video.)

SENATOR BYRON DORGAN: I think,
Ladies and Gentleman, while we're attempting to
do that, I was intending to introduce the members
of the task force. Why don't I do that while
we're attempting to fix the sound problem. And,
I mentioned to you, my name is Byron Dorgan, that
remains the same. I am joined by my co-chair
Joanne Shenandoah who is with me to my left, and
then I will introduce the others and if you'll
give a wave so they who you are.

Anita Fineday is here to my right.

Anita is the director of Indian Child Welfare and
Casey Family Programs, and she will serve as an alternate co-chair, as well, if Joanne or I are not here.

Dolores Subia Bigfoot from the Caddo Nation of Oklahoma. She's the director of the Indian Child Trauma Center of the University of Oklahoma.

Rear Admiral Eric Broderick, a former Deputy Administrator of the Substance Abuse and Mental Health Services Administration.

Eddie Brown from the Pasqua Yaqui Tribe and Tohono O'odham Nation, hope I did that right, Eddie. Executive Director of the American Indian Policy Institute and Professor of American Indian Studies at Arizona State University. Eddie will also be an alternate co-chair during these series of hearings.

Valerie Davidson. Valerie is the Senior Director of Legal and Intergovernmental Affairs for the Alaska Native Tribal Health Consortium.

Alicia Lieberman, Director of Child Trauma Research Program at the University of California, San Francisco.

I should mention some of the task force members are not able to be with us today.

Chaske Spencer, Lakota actor in the Twilight movies.

Ron Whitener with the Squaxin Island Tribe, I hope I got that right. Executive Director of Native American Law Center, University of Washington School of Law here.

Marilyn Zimmerman, Fort Reck Reservation. She's the Director of the National Native Children's Trauma Center at the University of Montana.

And then Jeff Seco, who is not here. Jeff is from the Chippewa Nation. He is the President of the National Conference of American Indians.

And you can see from this lineup of task force members, an extraordinary amount of experience comes to this task force, some men and women who are willing to donate their time on this very important subject.

If we have the sound fixed. All
right.

(Attorney General Eric Holder's video playing.)

SENATOR BYRON DORGAN: Well, we thank the Attorney General very, very much. Thank you for getting the sound fixed so that we could have a better opportunity to hear his important thoughts.

I want to, very quickly, say that there are some distinguished tribal leaders in the room today and other officials. I want to introduce them very quickly, and please don't take that as diminished importance. I will not introduce everybody.

So, I do want to mention that from the Attorney General's office and other parts of the Federal Government, we have Mary Lou Leary. If you'll just raise your hand wherever you are. Mary Lou Leary is with us, Principal Deputy Assistant Attorney General.


We have two U.S. Attorneys with us today, Tim Purdon, U.S. Attorney from North
Dakota and Michael Cotter, U.S. Attorney from Montana and let me personally say to you, how much I appreciate that. Too much of this issue has been in the backroom of U.S. Attorney's offices, I've talked about hearings I've held on that in the past, but we really appreciate what you two do and the fact that you've come to this event.

    Tracy Toulou, Director of Office of Tribal Justice.

    And, Tony West, the Associate Attorney General will be with us later.

    We have two tribal leaders who are with us -- tribal chairs, I don't know that they're all here yet, but I know that Russ McDonald, Chairman of the Spirit Lake Nation right over here, Chairmen Richard McCloud, Turtle Mountain Band of Chippewa, and Chairman Dave Archambault is the chairmen of the Standing Rock Tribe. He will be with us a bit later. And, we have a Senior North Dakota State official with whom I've worked for a long while, Scott Davis. Scott is the Executive Director of the North Dakota Indian Affairs Commission, and we appreciate that all of you are taking time to be
with us today.

Joanne and I will both make some
opening comments, but before we do, we want to
call on a special guest this morning. The first
comments will be made today by Senator Heidi
Heitkamp. She's a friend, extraordinary senator,
who I'm very proud serves us in Washington, D.C.
and Heidi Heitkamp has just introduced a piece of
very important legislation dealing with Indian
children, and she was kind enough to visit with
me about her construction of it as she was
putting it together through the Indian Affairs
Committee, and welcome Senator Heitkamp. Thank
you very much for being with us.

SENATOR HEIDI HEITKAMP: Senator
Dorgan and Joanne, I am so thrilled to be here,
but more importantly, I'm so thrilled because
nothing is more important, I don't believe,
during my tenure as Attorney General than this
issue. What are we going to do to make things
better? Not make things worse. Which is, I
think unfortunately, may be the path that we're
on right now in the United States Congress as we
look at the dramatic effects that sequestration
had and is having on Indian Country and also the
dramatic effects that the shutdown had in Indian Country, and we know that if we delay our activities even three, four months, that we are, virtually as a consequence of the shutdown, we fall further and further behind.

I want to just make a couple comments and maybe just talk about the heritage of North Dakota senators who believe that this is their responsibility, that this is their challenge and their charge and it starts with Senator Quentin Burdick, who, for years, was a champion in Indian Country. That mantle was picked up so ably by our former Senator Byron Dorgan who poured not only a lot of legislative time, but his heart and soul into this issue and continues to believe that we can, if good people come together, we can make change. We don't have to accept the way things are. We can make a difference, and I know we've heard that over and over again.

My journey on this issue began really years ago during the time that I was Tax Commissioner and spent a lot of time traveling to Indian Country, but certainly as Attorney General. And, I want to tell just one story about when I was Attorney General. We did a
project on juvenile justice trying to figure how
we were going to treat very hardcore juvenile
offenders, how we were going to get more
treatment for juvenile offenders as opposed to
simply lockup and we had gone around to all of
the schools in North Dakota on my juvenile
justice task force.

And I appeared with a woman before
the coordinating committee -- for the children's
coordinating committee which was a great
organization that the state had started and they
had a special allocation for tribal. And a young
woman was there, and she was trying to get
dollars for a juvenile justice conference for
Indian Country. And she was begging this
committee for just a few resources so that they
could get together and talk about how they could
make things different for kids.

And I remember, she told a story.
She talked about how she had been dyslectic, this
woman now had her PhD. She was dyslectic and
couldn't read a clock and she was sitting in her
house and her -- she was going to a party all
dressed up, looking out the window waiting for
her car and she kept asking her mother what time
it was and her mother got increasingly more frustrated, and at the last time she asked where the car was, where her ride was, her mother took her hand and she rubbed it across a nail that was on the window well and this woman, PhD, held up her hand and she still carried these scars, and she said something I will never forget: She said, "Who cares about me?" I looked out the window and I thought who cares about me.

We're here caring. It's not enough that we care. We have got to do something. We can't just gather together. We can't just build a base, and we can't just keep talking about it. We have got to change outcomes. Not just for this generation, but for all of Indian Country and the future of Indian Country in our states and in our nation and certainly for Indian Nations all across our great country.

The time is now. And I used to visit The Department of Interior and meet with the Secretary of Interior when I was Attorney General. I always sat and talked last, and as we went around, they always knew what I was going to ask. For eight years, I asked the same question. I said, "What are you going to do for the
children of Indian Country?" And the answer for
seven years was, "We share your concern." And my
last response to them as they shared my concern
for the eighth time in the eighth year was,
"Could you just humor me and say you're going to
do something about it."

So today we have a chance to open up
our hearts and open up our minds and start
thinking about what we're going to do to
effectuate change.

And what I want to tell you, and I
know it's not enough to be another politician
sitting in a chair like this saying, I believe
the cause is just and necessary and we have to do
it, I have to produce results. We have to change
outcomes. We cannot wait any longer.

And so, I pledge to you as you
complete and do your work here and as you begin
to gather your data, I pledge to you I will be
the strongest, loudest, most obnoxious voice for
these issues in the United States Senate. And it
starts with our bill on trafficking where we have
focused on trafficking in Indian Country. It
starts with the bill that says, you know what, we
need to spare because children are worthy of a
piece of legislation to recognize because so
often, I think Byron will tell you this, it is so
hard to describe to our colleagues and so all of
this data is enormously important but it's not
important if it goes on a shelf. It's not
important if it's not talked about. It's not
important if we don't make it.

If we don't make it a shame in this
country that we allow these conditions for
children and for families and we allow people to
live in extreme poverty and leading to
consequences of violence, consequences of
despair, and a lack of hope.

And so, I pledge to you, all of your
entire committee: You do this work, it will not
lay idle. We will take this work to the floor of
the United States Senate, to Congress, to any
level we can, to effectuate the change that we
know must happen if we are going to be good and
honest and decent people who care about all of
our country.

Thank you so much. Ms. Shenandoah, I
really appreciate the opportunity to speak to
you.

SENATOR BYRON DORGAN: Well, Senator
Heitkamp, thank you very, very much. This task force very much appreciates your leadership and willingness to come and share with us.

Thank you.

Let me, if I might, call on Joanne, the co-chair for a few comments, opening comments, and then I will provide some, I'll make some comments following that, and then we'll provide for the ground rules, and then we'll begin to have the first presentations that will occur throughout the day. Joanne.

JOANNE SHENANDOAH: (Native Language) In my language that means greetings and I wish for peace within you, and I'm very honored to be here today. I am Iroquois. My mom was a Clan mother and my dad was chief, and they were responsible for the political and social and spiritual welfare of the people which is an amazing, amazing job.

And so I come from a long line of wonderful ancestors one of which was Chief Shenandoah who the valley is named after and the song. And, wouldn't you know, that I live in the reign of Chief Shenandoah who helped save George Washington during the Revolutionary War. I am
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And so I come from a long line of wonderful ancestors one of which was Chief Shenandoah who the valley is named after and the song. And, wouldn't you know, that I live in the reign of Chief Shenandoah who helped save George Washington during the Revolutionary War. I am
exactly seven generations from him at this moment, and as you may know, the Iroquois believe that we should consider in every act that we make the seventh generation into the future, so if you've heard that, that is an Iroquois belief system.

So with that, I would love to say I am, of course, honored to serve as co-chair, and I can say with sincerity that everyone on the committee is deeply committed and also care so deeply about our children. And we are here to listen and to serve.

And I want to say that may our hearts all be open and our minds be open as we listen and fulfill our duties and responsibilities as was mandated by our ancestors.

So, thank you so much, and when Senator Dorgan finishes, I will do the housekeeping rules and, as in the matriarch Iroquois way, that's what we do. So, thank you for having me. I'm deeply honored.

SENATOR BYRON DORGAN: I should have, of course, said what you all know about Joanne that she is a composer, a musical artist, and someone who is perhaps more talented then all the rest of us combined, but we are so proud that
she has joined us and is a co-chair of this committee.

Let me just make a couple of comments as well, and my motive for this and for the work that I have done over the years with respect to Native Americans, those who were here first, those who greeted those who came to this country and particularly the children of those who were here first.

I -- all of us, you know, have the anecdotal evidence and the evidence that breaks your heart. And I've visited many, many Indian Reservations across this country. I've seen the evidence of wonderful loving families, parents who care, tribal officials who work very, very hard with limited resources to solve problems and so on.

I've also seen the most unbelievable despair and poverty and the evidence of sexual abuse and violence against children. I've seen all of it. And more recently, I was on a reservation and visited a homeless shelter and was introduced to a young 12-year-old girl. At age 12, her mother is dead, she has no knowledge of who her father might have been, she's been in
two foster care homes by age 12, sexually abused in both. And now as a young 12-year-old, is finally at last, at long, long last, in a shelter. But that shelter told me when I visited in recent months that their budget was cut by some ignorance called sequestration. Which means, if you cut the most important funding for the most vulnerable Americans including this young 12-year-old girl, the same amount that you cut those wasteful grossly abusive federal program, that is defined as ignorance where I come from.

I get so angry and so upset about the fact that this is not some mysterious illness for which we don't know the cure. We know this is happening and we know how to address it. If we just have the will and if we have determination to use the resources and make the resources available to say that children are our priority.

I don't know what's second in anybody's life, but I know what ought to be first in all of our lives and that is children. You cannot go visit them, the Indian Reservations in this country, and understand the circumstances in which they live without understanding we have

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enormous responsibilities to correct it.

And this is not some ordinary
problem. There's an urgency to this. The
circumstances that I just described should be
front page news, headline news, all across this
country. It's not. It's not.

The hearings I held about
declinations, three quarters of rape and sexual
abuse cases on Indian Reservations were subject
to declinations for prosecution; 50
percent of the murders.

There is all kinds of reasons for
those things but one reason is it's put in the
backroom of the U.S. Attorneys' offices in too
many areas. In fact, one former U.S. Attorney in
Minnesota came and testified before my senate
committee and said that he was admonished. He
was admonished during his performance reviews for
spending too much time on Indian issues in his
U.S. Attorney's office. Shame on those who
admonished that U.S. Attorney.

All of us need to do better, and we
know how to do better if we only have the will to
do better. I hope that this task force at the conclusion of a number of
hearings around this country, can develop recommendations that when
submitted to

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our government, the Attorney General and that the administration will finally at long, long last decide to climb the stairs of progress and tell these children, you should not be hopeless. You should not be helpless. There are people who care and are determined to make things better.

So, again, to my colleagues on this task force, we'll be holding hearings in various parts of the country, including Alaska. I thank all of you for the commitment and the effort this will take, but I hope that this might be the catalyst that finally finds the right capability to unlock the determination of all Americans not to allow this to continue.

So, we have a number of panels and so I'm going to ask Joanne if she will go over some of the ground rules. Having shared a lot of hearings in Congress, I don't have a gavel today but we are going to make sure that if there are those who have no unuttered thoughts and want to speak all day, we're going to have to suggest that we -- we've got time limits. We have a lot of important people here who have a lot to say.
But we appreciate all of you for coming and,

Joanne, why don't you talk a little bit about the
ground rules.

JOANNE SHENANDOAH: Of course, I
would like to welcome the press, I'd like to
welcome the public that have taken your time to
spend with us this day and also the expert
witnesses. And, if you will veer once in a while
a little bit to your right, you'll see someone
here holding a card saying you have this much
time. Okay? All right.

So with that, I would like to advise
everyone to take their cell phones and either put
it on mute or shut them off so that you give your
full attention to what's happening because this
is a very, very important day for all of us.

And I want to stress strongly that
each and every one of you are welcome to visit
what we call a safe room, and the safe room is a
place that will be a beautiful welcoming by
Bonnie Clairmont. And if you will raise your
hand so they could see who you are. She's one of
our healers and she is willing to be there for
you. If you have a pen, I'd love to give you her
cell phone number. Is that okay? Okay. Her
number is 651-216-2209, and she will be just down the hall in Room 1204. So, if you'd like to just go there and either be quiet or have someone to listen to you, that's the place to be. All right? She will be there for you the entire day, and even after hours, you can still call her. So, we'd like to thank them both for being here and your lovely presence and what you're able to do. So, the safe room is open to everyone because what we're about to embark on is something that's complicated, it's difficult, but it's necessary. So, we just keep that mind. We are here for you, and we have nothing to fear in this room. All right?

So with that, public testimony will be held from 4:15 to 5:55 and is limited to only five to seven minutes. So, we do have limited times. So, everyone who wants to have public testimony must submit their written testimony at the check-in table just outside the door.

So, let's keep mindful of our time and let us begin.

SENATOR BYRON DORGAN: Thank you very much. The first panel today is setting the stage, and they are going to have 15 minutes
each, and these are the -- a stage setting panel is different than the other panels in the sense that we have three people who are going to provide an overview of the current research on American Children exposed to violence, and they are going to discuss strategies and programs that are currently being used. And these are witnesses who have extensive experience and knowledge in these areas.

They will do 15 minutes each. We will be able to ask them some questions following that. Then, we're going to have other panels of witnesses and they will be ten minutes each and that will give us more time for the questions to those panels.