

**Public Testimony Day 1: Concerning Alaska Native Children Exposed
to Violence in the Home, Community, and Juvenile Justice System Response**

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

Man: (inaudible @ 01:14:24_1002).

Sen. Byron Dorgan: All right, yeah. Well, we appreciate very much your taking the time to observing and being a part of this. Now, the names that I have on the list, I'll read them off. I think we have two microphones, one where Elizabeth just vacated. There's another one next to Mr. Isaac on this side and we're going to recognize P.J. Simon first. Then March Runner, then Lauree Morton, then Kimberly Martus and then we'll go from there. And we're going to have some names following that as well. But why don't we begin with P.J. Simon. That is you?

P.J. Simon: Yes, sir.

Sen. Byron Dorgan: And if March Runner, is March Runner here? If March Runner is here and wants to take the position on that end of the table. When Mr. Simon is completed, he may continue as well. Mr. Simon, why don't you proceed?

P.J. Simon: Yes. Thank you task force committee colleagues. I represent the federally recognized tribe of Allakaket in the Tanana Chiefs region. I am the second chief and I govern and lead the people of Allakaket and I also sit on a Tanana Chiefs executive board and we oversee 42 villages in interior Alaska comprised mostly of Athabaskan Indians. And, today, I'd like to thank Valerie Davidson for inviting me to testify because all too real the issues we face in Alaska are

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there. And every day since growing up I've seen this issue in the village of Allakaket. And I have seen, believe it or not, the coming of television to mod—from 1978 basketball television came to my village. So, you can probably wonder about the culture shock.

But also with technology came the drugs and the alcohol to my people. And my little village of 180 people, we lost 22 to suicide from the late '70s to early '80s. So, there's a big gap in my village from me to the elders. I'm 43 years old and I left home when I was 16. I didn't want to be one of the people buried at the cemetery. I've seen violence. I've seen sexual assault. I've seen alcoholism at its worst just like any village in Alaska out of the 229 tribes. I've seen it all. I have relatives, I have friends from interior Alaska that have gone through sexual abuse, domestic violence. And I commend the strong woman who have pulled through, somehow gathered themselves and lived, lived through this abuse. And I pray for the ones that cannot get through this that are walking the streets. I pray for them. I see them. On the way from the hotel, I've seen some of my Native people walking the streets. Maybe that happened to them.

So, at this point, here I am. I'm merely a plumber turned political advocate. I moved to my village two-and-a-half years ago. I'm a plumber by trade. Now I'm advocating for my people. I've seen it all. I've buried a lot of my friends. I buried my best friend. How do you overcome something like that? Our elders trudged through rain, mud, snow, and blood for me to be here. They gave birth to kids that died because of no medicine. They found a fortitude, the perseverance to live, made it through it all. And then comes the technology of what we live in today, the culture. There are no means in my small village or ways to handle all this drugs, from alcohol to heavy drugs. Now we're facing meth, heroin. How do we get by that? I'm a leader. I'm a hunter. I can lead people into Brooks Range to sheep, to caribou, to moose, to bear. I can seine for salmon. But something like this is above me. I do not—I don't have the means or the intellect to handle problems like this. Sexual abuse, it's prevalent, it's there, how do we stop it?

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Education. How do we stop the hard drugs? How do we do it? Maybe sniff dogs at the airport. Rural post of law enforcement. More VPSO funding for rural villages. More education and prevention measures. Every two weeks I go to the school in Allakaket because when I was a kid, I went to all these big meetings in my area, and I wish somebody would have rose up from the general assembly and championed the cause of domestic violence, sexual abuse among boys and girls. And coming here, I thought about it, it might as well be me. Speak for my people, provide a voice because they've been abused sexually. They've been abused violently. They've seen it. It is there.

I'm an American. I'm an Alaskan, a state citizen. A [speaking NATIVE LANGUAGE @ 01:20:07_1002], a native man. My people have fought in Vietnam. They went to the calling to fight the war. They've been there. I have friends that went overseas and fought in the Afghanistan War and we've served our country. We just want our country to serve us back. We have trust responsibility in the United States government. So, I ask you guys, I plead to you guys, no more. No more. I'm tired of seeing my people walk the streets. They're hurt. I don't want no more hurt to happen. I tell the kids at the school we're poor. The median income is \$12,000 dollars. I said don't think about the clothes you wear right now. Don't worry about where you're at or if you're living with your grandmother or your grandfather because both of your parents are dead. I said from this day on, at least try to be somebody. Get your education. Don't worry about the dirty clothes that you're wearing right now. Be somebody. Keep trying and never give up because our grandparents never gave up. So, with that, thank you for your testimony and more VPSO's, sniff dogs. I'm asking you guys, so, thank you—

Sen. Byron Dorgan:

Mr. Simon, thank you very much. We appreciate your message very, very much. Next, we will hear from March Runner. And if Lori Morton is here she may take the other microphone as well. March Runner, if you would identify yourself for the task force.

March Runner:

Good afternoon, and thank you for the chance to be here. I'm March Runner. I'm from Blackfeet Nation in Montana. I

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am the tribal administrator and the ICWA director of Galena Village, Louden Tribal Council in interior Alaska. We're a village 480 miles northwest of here on the Yukon River. We are totally off the road system. And one of the issues we have is because we are a first class city, although we have state troopers based in our community, they do not respond. And we have had a hard time keeping a chief of police. So, we are literally without police support. We have, as you know, Galena suffered a flood last year. It devastated—80 percent of the homes were damaged and quite a few are... we are in the process of rebuilding right now. But the first thing that came into our community when the volunteers came were the bootleggers, the drug addicts, and the prostitutes.

And they came upriver to a community where they knew volunteers, where money was. And we had no police support to get rid of them. And that's a constant problem. I am a survivor of domestic violence abuse but I'm here, I'm scarred, but I'm here. And nobody heard my tears but... I'm sorry. But I hear others. The problem I have, Galena has developed a very strong tribal court. And we have taken in custody on children (inaudible @ 01:23:33_1002) cases, domestic violence cases, abuse cases. We have gone through our court system. We have placed children. We have terminated parental rights and we have done tribal adoptions. But we have problems with the state court. The state court does not recognize our court. They do not recognize the sovereignty. They do not even follow the civil procedures that the state courts have set to follow for producing or filing for records.

I had a case where a tribal member did not like the decision we made in a child that is still in a home where there's alcohol, where there is abuse, and there's drugs. And the tribe has no authority, no power to save this child. And I'm afraid this child, who is eight years old, is suicidal. I don't know how long I'm going to be able to keep this child alive because the state court has interfered. The mother filed for a document to get the state court to recognize the case so we could get help to get this child out of a home. And there

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was a ten day civil procedure where the person was supposed to respond in ten days. Well, he responded in 20 days. Had it been a state court bringing a—a state court from the lower 48 come into Alaska, they would have had to follow the civil procedures.

But because it was a tribal court, the court decided not to and they went into a hearing. That case is now 90 days into a court and that child is still suicidal. The child is eight years old. We need tribal court. We need the State of Alaska to recognize the sovereign rights of Alaska Native tribes, their sovereignty, their self-determination. Alaska Native tribes are not stupid. They know what they're doing. They know their culture. They know what they're supposed to be doing. The gaps we are having is in funding. We do not have police protection. We do not have—I've seen state troopers, and their hands, they have to wring their hands. They cannot respond. They are stationed in Galena and we have to call Fairbanks to ask for them to get permission to go into a domestic violence situation, to go into a drug bust to do anything. They have to stand there and shake their heads.

There's got to be communication. There's got to be some kind of a working relationship or we're going to lose children, we're going to lose families, we're going to lose villages.

Sen. Byron Dorgan: Thank you very much. Thank you very much for your testimony and your perspective. We appreciate that. And you are?

Kimberly Martus: I'm Kimberly Martus and I think you—

Sen. Byron Dorgan: Kimber Martus—

Kimber Martus: —I think you called Lori Morton and so I'm number four, (laughs).

Sen. Byron Dorgan: Okay, well, Kimberly, thank you very much. We also have—the names I have, Darlene Herbert, Leotis McCormack, if either of those are here they may take that other mic—but

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Kimberly, thank you very much for coming and why don't you proceed.

Kimberly Martus:

Thank you, thank you. Thank you to the members of the AG's advisory committee on American Indian and Alaska Native children exposed to violence. And really important, more importantly, for providing the public an opportunity to offer comments on this critical issue of children exposed to violence. My comments are not made on behalf of any organization or governmental body and are instead based on my observations as a mother and grandmother and 21 years of experience that I've accumulated as a practitioner working with children. I've worked as a guardian ad litem representing the best interests of children in tribal and state courts. I've worked as a tribal court children's judge in and out of Alaska. I've represented parents who are accused of child abuse. And I've also been ICWA, represented tribes in ICWA cases in state court. And from all of this experience, I wanted to really focus my message on that segment of children exposed to violence, that population that is comprised of children of incarcerated parents. And in your efforts to defend childhood and reduce childhood trauma, I think it's very important to consider this particular segment of children that are exposed to violence.

In my experience working with abused children and their parents, I have anecdotally observed the multitude of children that have one or more parents that are incarcerated. All the court hearings that we hold on children, the child abuse cases, I would say anecdotally half of them involve an incarcerated parent as we pipe them in on the telephone for the hearings and the arrangements that go on with that. And I think it's a really important to consider them when you look at the trauma that's induced with arrest of a parent, handcuffing of a parent and all the experiences prior to their incarceration. And so, as this group makes policy and decisions and—I think it's really important to consider this segment of the population.

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My awareness of this population or children of incarcerated parents has increased dramatically because I'm involved—my current work involves planning and developing culture based programming and reintegration services for returning offenders for Alaska Natives. Today there are 2.4 million children of incarcerated parents in the United States which is almost as large as the city of Chicago. One-tenth of the children or seven million, one out of ten children have a parent that's incarcerated. And for African-Americans, one in eight has a parent incarcerated. One in ten children of incarcerated parents are themselves incarcerated before the age of 18 years old. And since 1991 there has been an 80 percent increase of children of incarcerated parents—80 percent.

In Alaska, 37 percent of the prison population is comprised of Alaska Natives compared to their smaller representation of 17 percent in the overall population. It is likely that there are—there is a similarly disproportionate number of Alaska Native children with incarcerated parents. I would like to refer you to the children of incarcerated bill of rights which provides policy makers a framework to address the rights and needs of children of incarcerated parents. I urge you to consider the following to address the unique needs and rights of these children. First, the child's: I have the right to be kept safe and informed at the time of my parent's arrest. I have the right to be heard when decisions are made about me. I have the right to be considered when decisions are made about my parent. I have the right to be well-cared for in my parent's absence. I have the right to speak with, see, and touch my parent. I have the right to support as I face my parent's incarceration. I have the right not to be judged, blamed or labeled because my parent is incarcerated.

I have the right to a lifelong relationship with my parent. And in particular, number six of these bill of rights, I think really is important in terms of children exposed to violence. Children whose parents are in prison carry tremendous burdens. Not only do they lose the company and care of a parent, they also deal with the stigma of parental incarceration. Researchers who have interviewed children have

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experienced—who have experienced parental incarceration have found them vulnerable to depression, anger, and shame. One study found that many showed symptoms of post, post traumatic stress reaction, difficulty sleeping and concentrating, depression and flashbacks to their parent's crimes of arrest.

Sen. Byron Dorgan: Kimberly, if you would summarize the remainder of it and we'll put your entire statement in the record.

Kimberly Martus: I will. Recommendations – consider incorporating these standards that are articulated in the bill of rights into the policy framework that you are developing for children exposed to violence. Also consider incorporating international standards, established for indigenous children in the United Nations Declaration on the Rights of Indigenous Peoples, and other instruments such as the United Nations conventions on the rights of the child. Develop baseline and other data regarding the number of indigenous children of incarcerated parents, increase funding from federal agencies to tribes to particularly focus and fund Safe Start programs which is a very good model for identifying and intervening with children and at the scene of a domestic violence situation. Treatment for traumatized children such as the parent/child interactive therapy which Dr. Bigfoot I think is the inventor of.

In terms of treatment, include children and youth in this effort because they are the stakeholders here. And in your work, youth representation even on this body would be really helpful. They must be included in this important work. And, finally, consider expanding the definition of children exposed to violence because young adults, especially those that are aging out of the foster care system that have this problem should also be considered in our—as Native people we need to think about the definitions that are meaningful to us and consider younger adults. So, I'll give you a copy of this for the record. Thank you.

Sen. Byron Dorgan: We appreciate very much your testimony. Thank you, Kimberly.

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Kimberly Martus: Sure.

Sen. Byron Dorgan: Next is Darlene Herbert, is that you? And then followed by Leotis and then Robin Bronen are the names that I have. Why don't you proceed, Darlene, identify yourself.

Darlene Herbert: Hello. [Speaking NATIVE LANGUAGE @ 01:34:57_1002]. I said my name is Darlene Herbert and I'm from Fort Yukon. My mother's Josephine Herbert. She's from Fort Yukon. My father is Percy Herbert. He's from Tanana and my first language is [speaking NATIVE LANGUAGE @ 01:35:37_1002] which I was just speaking and I learned how to talk English in when I first went to school. I had to learn English even if I didn't want to. I'm very fluent in my language because of my grandmother. My grandmother did not talk English so that's how I was fluent because my father and my parents were told that if we learn English that we can't learn anything else, but I did learn it from my grandmother. What I want to talk about is I'll just give you a few examples of things. There's a couple girls in Venetie. They're 11 and 12 years old and they were raped by a couple teenagers. They gave them some kind of drugs and pass them out and tied them up and raped them.

And their grandfather called me up and asked me what he could do. He said he kept calling the state troopers over and over again but they will not answer him. And, so, I finally got a hold of a friend that knew the commander or whatever he is, the chief, and he finally got a hold of him and all they told him was, you know, well, we're working on it. And these two young girls never got any counseling or nothing. And nothing became of it as far as I know. And I think that's so wrong because those little girls are—one is not speaking no more and not doing very good in school. And the other one tried to commit suicide.

And then I have another story to tell you. My niece got shot in the face and the DA said that the guy that shot her was cradling her. Because he was cradling her he did not mean to shoot her, so it's going to be a fourth degree assault. And

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now she is crippled for life. She goes into convulsions. She had—she went blind in one eye and they weren't going to put the guy in jail. But me and my family, we fought against the DA and the judge to have him put away because he is going to do it again. Now, my niece is crippled for the rest of her life. And for disability they only give her \$400 dollars a month and I think that's very wrong. And Troy Eid was talking about underage kids in men's jail. I'll give you another example. There was this young boy who's 16 years old. He's a Native boy. He shot a B.B. gun at a drug dealer. The drug dealer probably sold him drugs. And, so, they put him in the men's jail.

And there was another 16 year old boy who is white. He duct taped a little six year old girl and raped her and raped her. And they put him in the juvenile jail. And then they let him stay there for one year and then they let him free. They let him go to a treatment place. And while, the little boy, he's only 16 years old. And you could just tell he's just a young boy. And that DA said that he needs to be in a men's jail. I don't—I just, I don't understand. I really don't understand it. I also brought up my grandkids. I brought up my two grandkids and one just turned 18 years old and the other one's a couple years older. My 18 years old daughter is going to go to school to be a film director. And that's what she wants to be. I had a very hard time getting my grandkids because their parents were drug addicts and alcoholic. I had a very hard time. I fought the state for two years to get my youngest granddaughter. I went to court every day and talked to the judge every day.

I went to court every week and I fought and fought for her. After a year-and-a-half, the judge finally got tired of me and said, okay, you can take your grandchild. I think that a lot of Native kids are lost when you put them in a different home and they don't know the culture. And there's a lot of people working for OCS. It's just a money making machine. I mean, people will have six kids at a time. Sometimes they'll have eight. You can imagine how much money they—I don't know how much they get but I know at one time, I got (ASAF @ 01:41:02_1002) for my two kids. I had to work

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because I didn't want to be on welfare but I got ASAF. It was only \$500. Can you imagine bringing up two little kids on \$500 a month? I went back to work and I make money and I brought them up that way.

Sen. Byron Dorgan: Darlene, would you please, we'll have to ask you to summarize at the end of five minutes but we really appreciate your testimony.

Darlene Herbert: But I think that, you know, education is the answer for all this. We need to educate our kids that when they are going to have kids they need to be sober and drug free six months before they have kids so this won't be continuous problem. I think that's the answer. Thank you.

Sen. Byron Dorgan: We appreciate you coming here today and thank you very, very much. Next we'll hear from Leotis McCormack.

Leotis McCormack: [Speaking NATIVE LANGUAGE @ 01:41:55_1002] Leotis McCormack. [Speaking NATIVE LANGUAGE @ 01:42:09_1002]. My name is Leotis McCormack and I serve on the Naspers Tribal Council in Idaho. My tribal name is [speaking NATIVE LANGUAGE @ 01:42:27_1002]. It's translated boy growing into a man standing tall. Before I was on council I was a law enforcement officer for the tribe dealing with people that I love and I care about very deeply. Growing up in a home of domestic violence myself knowing the history and knowing the struggles of our people. I know what it's like to respond to calls and deal with the same people over and over and over again—the same families, same children, and how difficult and frustrating it is to know that they're just going to be continue to cycled through that system exactly the way they did before.

The passion that put inside of me to run for council to do something different because I was limited on what I could say as a law enforcement officer; would do things to get myself in trouble like sit and pray with the family violating officer conduct because they needed something more than to be put back into a system. That's my belief is that we hear good words but my chief, [speaking NATIVE

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LANGUAGE @ 01:43:34_1002], Chief Joseph said doesn't take many words to speak the truth. So, the implication is it's not words that cause these things to go into motion, it's what we do, it's our actions. And that's my plea, is that leadership would stand up and say it's time to do something different, just like all the words that we've heard from all these wonderful people and all these stories. And I appreciate this opportunity. I appreciate this opportunity that you would come and to hear the cries of these people up here, my brothers and sisters from Alaska. This the first time that I've ever been here and opened my eyes.

But it's embarrassing to know that our federal trustees would allow something like this to happen; would stand by and continually, knowing the truth and we've heard the words. We know that there needs to be change but nothing's been done. We take the steps and I hope that you hear my heart when I say this, I mean, no disrespect in any way, shape or form, but we have families. We have officers that want to make a difference. People that know how to do things. The greatest responsibility of my life is to be a father to my six children and to be a loving husband to my wife. To me, that's where the answer is, is to bring balance back in the homes. To teach our young men how to be young men. The tools that I use to teach my sons how to be men is the culture to which I come from. I teach my son respect so when he goes hunting he doesn't take a life until he understands how to first pray for it.

Discipline to not take the biggest animal with the biggest horns but to take the one that's going to best provide for his family. That's the teachings that I come from, that our people come from. Not just unique to me but even here. But you've regulated our Alaskan brothers and sisters tools to teach their men how to be men. They can't hunt and fish without violating some kind of law, without being cited for trespass or breaking the fish management plan that the state put forward, even though these people have managed these resources since time immemorial. That's what we do to teach our men how to be men. That's what we do for our women to teach our families—or teach their daughters how to be women, how to be providers and

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nurturers. We rely on our culture. We know what's best. The expertise is within these people that are sitting here before you. And because we're in a system now that there's so much that needs to be done. There's such a big mess to unravel. We need your help as a supplement. I don't come to you to fix my problems. I don't need you to teach me to how to be a man and how to be a husband and a father to my son. And just like many of these people that are desperate, they need to understand that they have that support. I'm glad that I could be in Eklutna speaking to some of the people and their Chief Stephan is a brother of mine now, embraced me into his, in his community; was at a gathering and spoke to some of their peace officers; not even from Eklutna, from a neighboring tribe. One of the peace officers sitting in this room today gave me some insight that they have a passion to patrol these communities and they want to serve their people but they don't even have radios to be connected to dispatch to respond to the calls in the communities that they're serving. How does that make sense to fix a big problem?

And I understand I only have five minutes, so much to be said, and I'm going to respect the order of this forum, but I think that we need to do something that's different. We need to begin to trust these tribes and these people that have been living their lives since time immemorial to help rehabilitate their men again. We have incarceration policies that I can't bring traditional medicine because it doesn't come from a commercial distributor. I can't speak on issues of trauma because I'm not certified. Our elders didn't go to college and get stamped with that authenticity, to say that they can do and speak on certain expertise. But yet, these are the people that know how to make change in their communities. That's the effort that we need to put forward and start believing in our—in these people and the leadership that's in place to be able to know what's best for their communities, to police their people the way they need to police them, to rehabilitate them when they need to be rehabilitated, and help teach them once again their culture, and give them the tools, give them their curriculum back so that they can teach their young men how to be young men and their women to be young women.

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I want to say [speaking NATIVE LANGUAGE @ 01:49:05_1002] and for those of you that are in this room that I met this week, thank you for embracing me and welcome me into your home territory. And I look forward to the future of this relationship and I stand with you to do whatever I can to help you. We're fortunate and I hope that I can do good things for you from this position.
[Speaking NATIVE LANGUAGE @ 01:49:31_1002].

Sen. Byron Dorgan: Mr. McCormack, thank you very much for your testimony and thanks for your leadership. Is Ella Anagich in the room? Ella, you want to come up to this...Ella Anagich, I'm sorry.

Ella Anagich: Anagich, yes.

Senator Dorgan; And then let me, I'm going to recognize Robin Bronen and Ella Anagich. And I want to, before we do that, I want to invite there were some young people here from the NCAI Youth Cabinet and some young people from the Center for Native American Youth who are here. And while we're not going to take testimony, I want to invite you up to take some chairs at the table because I'm going to ask you to identify yourselves. You've been listening to this testimony all of this day and we appreciate it very much. So, come up and please take a chair and following the testimony, I'm going to ask that you identify yourself and where you're from. Now, let me go to Robin Bronen, is it—have I pronounced that correctly?

Robin Bronen: Yes, sorry. I thought Ella was going to be first. But I am, yes, thank you very much for the opportunity to provide testimony today and for being here today to listen to the horrific levels of violence that are happening in the state where I live. I work as the executive director of the Alaska Institute for Justice which is a nonprofit agency that houses several programs. One of them is a language interpreter

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center. I have worked as an attorney with domestic violence, sexual assault and human trafficking victims in Alaska since 1987. And the levels of violence occurring in Alaska are completely unacceptable and you've heard some very powerful testimony this afternoon. I'm here today to talk about the enormous justice gap for victims and survivors who are limited English proficient and the lack of using trained and qualified interpreters to ensure that everyone in this state can access the services, safety, and protection they need.

I'm going to give you some statistics about the different languages spoken in our state. In Bethel, about 26 percent of the population's first language is Yupik. In Barrow, approximately 13 percent of the population's first language is Inupiaq and in Dillingham, approximately fourteen of the population speaks Yupik. A 2005 Alaska court survey found that Inupiaq and Yupik are two of the seven most common languages in our state. And, so, using trained and qualified interpreters is absolutely essential in order for people to get access to the services that they need. The language interpreter center where I work, we opened in 2007 and we've been dedicated to training Alaskans, bilingual Alaskans to work in the medical, legal, and social services professions and we also provide an interpreter referral service to all those professionals. We've trained more than 250 Alaskans in 40 different languages including Yupik and Inupiaq. We've conducted interpreter training programs in Anchorage, Fairbanks, Dillingham, and Bethel.

And in Bethel we are working with the University of Alaska, Kuskokwim campus. Yupik language professors at that campus and the Association for Village Council Presidents to train Yupik speakers to be interpreters in the various fields that I mentioned. And we're also working on a critical component of this which is to create Yupik terminology for the words that we are using in court settings. And just to give you an example, we were in Bethel in April of last year and it took us three hours to come up with the Yupik word for domestic violence protective order. So, that was 2013. You know, the Alaska court system has existed for a very long

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time and it wasn't until last year that there was actually a Yupik word for that very critical term in the justice system. And despite the importance of working with trained interpreters and ensuring that all services, safety and protection are available no matter the ability to speak English, failure to ensure language access is systemic throughout this state.

And I'm going to give you a couple of examples that I have personally experienced. I just recently finished traveling around the state training law enforcement officers on language access issues. And, uniformly, I was in Bethel, Barrow and Nome just to name a few, uniformly, those law enforcement officers said they had never worked with an interpreter to provide services in those communities. Most... not only that but there is no 911 or any other emergency phone number in the state that isn't available in a language other than English which makes those emergency services inaccessible to anyone who does not speak English. And for children whose first language is not English, it makes forensic interviews – when there has been suspicion of child abuse – extremely difficult if there are no bilingual interviewers. And even if there are bilingual interviewers, it makes prosecution extremely difficult without a translated transcript of that interview with somebody who has the training and expertise to do that.

Our office has also received complaints from the Office of Children's Services which has prohibited children from talking with their parents in their first language because no interpreter was available for the Children's Services worker to understand the conversation. There has been some progress. The Alaska Department of Law just recently translated their victim resources materials into languages other than English, and they have a language access program. And the Alaska court system has dedicated enormous resources to address this issue. But the work is not done and much more needs to be done to ensure that everyone has access to the resources we need. And, so, in closing, my recommendation – and I know the Office for Violence Against Women has incorporated this into their

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grant programs—is that federal grants should require language access programs as part of their grant submission and demonstrate how they are going to make sure that the services that they want to provide in the grant are available to everyone within the state. Thank you.

Sen. Byron Dorgan: Robin Bronen, thank you very much for your testimony today and your perspective on interpreters and issues we have not heard much about today. So, we appreciate that. Next is Ella Anagich. Ella's an attorney, I believe. And why don't you identify yourself?

Ella Anagich: Good evening.

Sen. Byron Dorgan: Would you turn the microphone on? Just press the button.

Ella Anagich: Is it on?

Sen. Byron Dorgan: Yes.

Ella Anagich: I guess it's on. I am Inupiat attorney here in Anchorage and I also have the conflict contract with the municipality of Anchorage for indigent criminal defense. This is my seventh year. So, I, in that role, I represent a lot of clients. It cuts across every ethnicity—very severe domestic violence cases, batterers, D.U.I.s. Part of my practice entails—in fact, I was just in the mental health court that the Anchorage court has. I've also practiced before the Veterans Court and also the Wellness Court. The Mental Health Court, it's a model that can be used wherein the threshold requirement is an assessment, an evaluation as to the mental type of disorder or whatever mental illness, PTSD, which is essentially the same in the Veterans Court, that one of my clients might have. When they meet this threshold requirement, then there is a program set up, a case plan including access to therapists or counselors here in the municipality of Anchorage. There is also an assessment for a substance abuse evaluation with a treatment plan.

One of the things that I stress very strongly to my clients is following the 12 Step Program which is the AA or the NA.

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Most of the residential programs are based on that. So, I'm bringing this to your attention. I know you folks have heard a lot today. And it's a lot to take in. But these are very specific courts that have been set up including the Wellness Court which basically deals with the drug and alcohol problems that is so prevalent here in Anchorage. I'm bringing this to your attention so that, hopefully, these can be role models since there are no other courts like this in the rest of the state; very few courts like this in the rest of the nation where very specific case plans are set. There's a lot of accountability and monitoring by the judge in most of these courts. If, in fact, my clients don't come through then they're tossed right back into the regular court proceeding there and either placed in jail.

But I just wanted to bring this to the attention of you, as part of the panel here, because I think it's very important that these individuals that I do represent do get some of the individual therapy that they need in order to address some of these real issues. As one of the other panel members testified earlier, I believe it was Mr. Joseph or Mr. Peterson, I think that it's very important to have a follow-up in monitoring. And I can't see why some of these different types of systems can't be set up with the tribal courts here in the State of Alaska because of the fact that, yes, there is not enough law enforcement out there in the state. And being probably the only Native female practicing before these courts or litigating in the state court system here in the state, I have found that there is a bias in terms of the sentencing when it comes to the Native people. I know the court system wouldn't like to hear this but I've been practicing for almost 30 years. So, I'm getting to the point where I may retire.

But I just want you folks to consider some of these specific solutions that this court system in Anchorage is trying to take, and maybe use these as role models in the tribal courts—specific ways to address some of the alcohol and drug and/or domestic violence. I have—and I'm going to close this very briefly. I have told judges and other lawyers when I've spoken up that there is a need – and I have told clients who are serial batterers – that there's a

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need that they combine their anger management or the domestic violence intervention program with that 12 Step Program. Because it is my firm belief – and I have a very deep faith in Christ, by the way—my firm belief that there is a definite spiritual component here that it actually works. I've seen it work.

I've lost white males in my practice—young, white males, heroin overdoses or meth or some of these other types of drugs that are so prevalent. Had I known this, I would have encouraged them to go through the NA program for the Narcotics Anonymous. I know you folks have heard a lot but I am stressing the need for more of the 12 Step with either the alcohol or drug abuse and/or the anger management or—because I know as a defense lawyer, I've seen the serial stuff and I just want to bring this to your attention. Thank you.

Sen. Byron Dorgan:

Well, Ella, we appreciate that perspective and we will take a look at what you're doing here in Anchorage. We appreciate the testimony that everyone has given today. And especially appreciate your abiding the time limits. It's been a long day as you imagine. We've heard a lot and a lot of important information. And I do want to, while we won't have additional testimony, I want to recognize the Youth Cabinet and the Champions for Change young people who have been with us all day. I want to also say to you that when I ask you to identify yourself and where you're from, I think on behalf of the task force, we would say if having heard what you have heard today you would wish to put together something in writing that you would submit to this task force. I think it would be very helpful for us because you've heard a lot of things said today, some of which you probably have an interesting perspective about. So, I would invite you to submit to us any thoughts that you have as a result of having spent some significant amount of time with us today.

But let's go down and just have you identify yourselves, if you would. Let's start with—and I'm assuming that you're all young people as opposed to middle aged people that have aged very, very well. You are, I assume, leaders? Well, know a good number of you are and so let's start with you, sir.

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Thomas (Ayala?): Thomas Ayala.

Sen. Byron Dorgan: Very loud.

Thomas Ayala: Thomas Ayala.

Sen. Byron Dorgan: From where?

Thomas Ayala: From Phoenix, Arizona.

Sen. Byron Dorgan: And how old?

Thomas Ayala: Eighteen.

Sen. Byron Dorgan: Okay.

Candace: Hi, I'm Candace (inaudible @ 02:05:18_1002). And I (inaudible @ 02:05:20_1002) to the reservation in 1986.

Sen. Byron Dorgan: All right.

Candace: (inaudible @ 02:05:23_1002).

Sen. Byron Dorgan: Thank you very much.

Richard: Richard (inaudible @ 02:05:28_1002) a member of the (inaudible @ 02:05:31_1002). I'm a Judge in California. Fifteen and I definitely will be submitting something in writing.

Sen. Byron Dorgan: All right.

Man: (inaudible @ 02:05:43_1002) Northern Arapahoe and Eastern Shoshone from Wyoming and I definitely will do a write-up (inaudible @ 02:05:50_1002).

(Sara Fields?): [Speaking NATIVE LANGUAGE @ 02:05:52_1002] Hello, I'm Sara Fields and I am (inaudible @ 02:05:59_1002). I'm fourteen and I already have plenty of ideas of what I would write to you guys.

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Sen. Byron Dorgan: All right.

Sara Schilling: Hello, I'm Sarah Schilling. I'm from the Little Traverse Bay Bands of Odawa Indians in Michigan and I'm with the Youth Cabinet as well as the Champions for Change program and I definitely think I'll write something up. I'm glad I got to listen today.

Sen. Byron Dorgan: All right. Thank you very much. Well, let me just say to the task force members, many of whom have traveled a long ways to be here in Alaska that all of us, Joanne and I especially appreciate your dedication and your participation today. Joanne, would you have any closing comments?

Joanne Shenandoah: I also would like to say thank you to our hosts and to all the advisory, the task force and also the DOJ and TLPI. Everyone who made today, I think, very much of a success. Thank you.

Sen. Byron Dorgan: And let me conclude by mentioning again, the Department of Justice that's played a very significant role in organizing today. Today was about a lot of passion, emotion, and difficult testimony in many, many ways. And, yet, we're talking about also, at the same time, governance, a structure, agencies and so on. The Department of Justice, I think, as I said when I started this and it's important to reiterate, I've worked over 30 years in the Congress with lots of Department of Justice administrations. This one really, really does care and is trying to do something very different in making this a priority. So, my kudos to those in the Department of Justice who are here and especially my compliments to those who have decided to come and participate on the record testimony, some of which was difficult to offer but all of which was very, very important for us. Thank you very much and this hearing is adjourned for today and we'll reconvene again tomorrow morning.

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