

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

(A brief break was taken.)

JOANNE SHENANDOAH: Greetings.

I would like to call the advisory committee back into session. I just want to say thank you again to our witnesses of the day who testified to our panel.

And I would like to say, we now move to the public testimony segment of the hearing; however, Senator Dorgan mentioned an open mic scenario. The situation is that we received more requests for oral testimony than we can

1 accommodate in the available time. So, we've  
2 been able to accommodate three public witness  
3 panels which are chosen from the written  
4 submissions, of course. And those people  
5 submitted online this past Friday, so we will not  
6 have time to accommodate additional testimony  
7 beyond these three preregistered public testimony  
8 panels, but we can, of course, continue to  
9 receive written testimony and just submit that to  
10 testimony@tlpi.org, that's the Tribal Law and Policy  
11 Institute, and you can do that at any time.

12 The three panels will be: Number  
13 one, tribal and state officials; Number two,  
14 private individuals; and three, Standing Rock  
15 Sioux Tribal Government.

16 I just want to review the structure  
17 of the public testimony segment. We'll be  
18 calling the public witnesses by panels. Each  
19 public witness will provide, sadly, only five  
20 minutes for their oral testimony and timekeepers  
21 will provide reminders when your time is reaching  
22 the five-minute maximum. We apologize. We must  
23 adhere to the relatively short time allowance;  
24 however, we need to provide all of the public  
25 witnesses an opportunity to provide testimony.

1                   And with that, our first panel  
2 includes: Richard McCloud; the Turtle Mountain  
3 Chairman, welcome. Scott Davis; Commissioner of  
4 North Dakota Indian Affairs. Thank you, Scott,  
5 for joining us, Joseph Vetsch, Criminal  
6 Prosecutor Spirit Lake Tribe. Thank you for  
7 being here. And then to our friend, Senator  
8 Richard Marcellais, thank you for attending. So,  
9 I think we could start with Richard McCloud,  
10 please.

11                   RICHARD McCLOUD: All right.  
12 Thank you. Thank you, Ms. Shenandoah,  
13 chair-person and distinguished panel for allowing  
14 me to speak for a few minutes, four minutes and  
15 50 seconds. My background -- we'll start with  
16 that. I retired from the U.S. Postal Services --  
17 retired after 33 years. I'm 15 years school  
18 board, 14 years as the president. 2007 North  
19 Dakota Businessman of the year, and I own three  
20 little businesses: Convenient store, fast food  
21 franchise and office complex that I lease to the  
22 federal government and to the State of North  
23 Dakota. Just a little background on myself.

24                   It's been a long day. There's been a  
25 lot of testimony. Senator Heitkamp, you know,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

21 (Inaudible.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 treatment services, et cetera.

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

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

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



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

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

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

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

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

25           Next, we will have Senator Richard

1 Marcellais.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25                 Cecilia had a good point at the



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

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

1 really need to take a look at.

2 Like I said, you know, if the federal  
3 government and the state level -- it's not a  
4 handout but a hand-up in Indian Country is what  
5 we're asking for. Thank you.

6 JOANNE SHENANDOAH: Thank you  
7 very much. Congratulations on your efforts.  
8 Thank you for your work on behalf of the advisory  
9 committee. We'd like to open it up if anyone has  
10 some questions.

11 ANITA FINEDAY: I have a  
12 question to anyone who wants to answer this: One  
13 of the things that Cecilia Firethunder -- no, it  
14 was Sarah recommended earlier today was, and I  
15 don't know if you were all here, she talked about  
16 having, and I think she meant, a federal agency  
17 that would deal with Indian children's issues and  
18 I -- this was Sarah Deere. And I asked her about  
19 it and evidently this is a recommendation that  
20 the Tribal Law and Order Act Commission made and  
21 there would be one agency that would oversee all  
22 the programs for Indian children.

23 Just wondering if anyone has an  
24 opinion on that?

25 RICHARD McCLOUD: My opinion --

1 and remember this is just my opinion, just  
2 because something works up north, doesn't mean  
3 it's going to work on a western reservation or  
4 eastern reservation or southern reservation.  
5 It's like when the federal government puts things  
6 together, well, they're sitting in an office in  
7 Washington, they're not out in the field.  
8 They're not out in the northern part of North  
9 Dakota on the Turtle Mountain Band of Chippewa  
10 reservation that this program will work because  
11 the numbers say so.

12 Well, like I say just because it will  
13 work someplace, doesn't mean it will work on all  
14 reservations. So by having under the Federal Law  
15 and Order Act, a federal mandate, I don't know if  
16 that will work. That's just my opinion.

17 JOANNE SHENANDOAH: Anyone else  
18 on the advisory who would like to ask a question?  
19 Okay. Thank you very much for your testimony.  
20 We will now do the private individuals that are  
21 pre chosen.

22 ANITA FINEDAY: Just a quick  
23 announcement. It looks as if we will have some  
24 free time at the end of the day and that we are  
25 going to actually offer an open mic to people

1 here in the room who would like an opportunity to  
2 speak. We still would like to end this by 6:00  
3 or 6:30, and so, if there are people in the room  
4 who would like come up and make five-minute  
5 statements -- we still have two more panels to go  
6 but if people want to come up and make statements  
7 at the end of the third panel, we are going offer  
8 an open mic.

9 This next panel is comprised of three  
10 private individuals. We have Dr. Sara Jumping  
11 Eagle, a Pediatrician; Mrs. Sue Isbell with NDSU  
12 Extension Service; and Mr. Chase Iron Eyes, an  
13 attorney.

14 If you're ready, we'll go ahead and  
15 start with Dr. Jumping Eagle.

16 SARA JUMPING EAGLE: (Speaking  
17 in Native language.) Thank you for letting me  
18 speak with you today. My name is Sara Jumping  
19 Eagle, and I'm a Oglala Lakota and Mdewakanton  
20 Dakota. I grew up in several places including  
21 near East L.A. through the Relocation Program.  
22 My family went there and also Kyle, South Dakota.  
23 My grandmother raised me, her name was Juanita  
24 White Eye, and she was a registered nurse who  
25 moved back to Pine Ridge Reservation in the mid

1 '80s, and I graduated from high school there.

2 And now, I'm a pediatrician and I live and work  
3 here in Bismarck, North Dakota.

4 I was asked to speak with you today  
5 because I'm very concerned about our Native youth  
6 and about the challenges that they're facing in  
7 this day and age. I have children of my own, and  
8 as a physician specializing in adolescent  
9 medicine, I see youth through all walks of life  
10 coming through the door and facing many  
11 challenges.

12 I've served on several committees and  
13 seen some of the different ways that  
14 bureaucracies are working for and against our  
15 young people and have been frustrated with some  
16 of the challenges that our people face in dealing  
17 with federal agencies like SAMHSA, like the  
18 Justice Department, and like the United States of  
19 America.

20 And so, I'm here with hope but also  
21 with frustration as well. But today it's hope.  
22 When you ask the question what are our  
23 experiences with American Indian and Alaska  
24 Native youth and their exposure to violence in  
25 the home, and I hear a lot of acronyms and a lot

1 of lingo used.

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

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

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

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

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

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

1 reacting to dysfunctional families.

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25           I run a group called LR Inspired and

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25                      So we're asking you to ensure that

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

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

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



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

12 ANITA FINEDAY: Thank you.  
13 Councilwoman Young.

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

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

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

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

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

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

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

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

25 To make a long story short, they were

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

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

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

1 first right to her grandchildren.

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

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

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

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

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

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

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

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

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

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

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

1 of the many under 15 Statute 635.

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

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

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

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

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

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



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

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

25 ANITA FINEDAY: Any other

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

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

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

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

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

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

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

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

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

12                   ANITA FINEDAY: Thank you.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 ANITA FINEDAY: Thank you.

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

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

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

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

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

25 And I would like to invite you guys



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

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

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

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

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

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

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

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

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

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

19                      ANITA FINEDAY: Thank you.

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

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

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

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

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

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

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

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

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

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

12           ANITA FINEDAY: Thank you.

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

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

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

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



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

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

12           ANITA FINEDAY: Thank you.

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

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

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

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

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

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

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

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

25           Many blessings to you all. And at

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

8                       (Hearing adjourned.)  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25