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

HEARING #1 December 9, 2013
Bismarck, North Dakota

Theme: American Indian Children
Exposed to Violence in the Home

Bismarck Ramkota Best Western

Reporter: Kristen M. Keegan

1 SENATOR BYRON DORGAN: Thank you very
2 much. We'd like to call this meeting to order.
3 I'm Byron Dorgan. I, along with Joanne
4 Shenandoah, will be co-chairing this public
5 hearing on the Attorney General's Advisory
6 Committee on American Indian/Alaska Native
7 Children Exposed to Violence. This is our first
8 hearing in a series of hearings that we will hold
9 on this important issue.

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

18 (Jim Clairmont gives Invocation.)

19 SENATOR BYRON DORGAN: Jim
20 Clairmont, thank you very much for the
21 inspiration this morning. Next, the attorney
22 general, Eric Holder, is not here. His Associate
23 Attorney General will be along, we had an
24 airplane issue last evening, but will be here
25 with you later this morning. But, it's because

1 of the Attorney General's commitment of
2 addressing violence in American Indian
3 Communities, that we convene, and he has provided
4 for us a video with an overview of the
5 information about his charge to this task force
6 and recommendations to the ability to stop
7 violence on reservations is what he hopes to
8 achieve from this task force. So, we will now
9 see a very brief video from Attorney General Eric
10 Holder.

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

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

24 Anita Fineday is here to my right.
25 Anita is the director of Indian Child Welfare and

1 Casey Family Programs, and she will serve as an
2 alternate co-chair, as well, if Joanne or I are
3 not here.

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

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

11 Eddie Brown from the Pasqua Yaqui
12 Tribe and Tohono O'odham Nation, hope I did that
13 right, Eddie. Executive Director of the American
14 Indian Policy Institute and Professor of American
15 Indian Studies at Arizona State University.

16 Eddie will also be an alternate co-chair during
17 these series of hearings.

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

22 Matthew Fletcher, Grand Traverse Band
23 of Ottawa and Chippewa Indians. Director of
24 Indigenous Law and Policy Center at Michigan
25 State University.

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

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

6 Chaske Spencer, Lakota actor in the
7 Twilight movies.

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

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

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

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

25 If we have the sound fixed. All

1 right.

2 (Attorney General Eric Holder's video
3 playing.)

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

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

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

21 Bob Listenbee, Administrator of the
22 Office of Juvenile Justice and Delinquency
23 Prevention.

24 We have two U.S. Attorneys with us
25 today, Tim Purdon, U.S. Attorney from North

1 Dakota and Michael Cotter, U.S. Attorney from
2 Montana and let me personally say to you, how
3 much I appreciate that. Too much of this issue
4 has been in the backroom of U.S. Attorney's
5 offices, I've talked about hearings I've held on
6 that in the past, but we really appreciate what
7 you two do and the fact that you've come to this
8 event.

9 Tracy Toulou, Director of Office of
10 Tribal Justice.

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

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

1 with us today.

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

15 SENATOR HEIDI HEITKAMP: Senator
16 Dorgan and Joanne, I am so thrilled to be here,
17 but more importantly, I'm so thrilled because
18 nothing is more important, I don't believe,
19 during my tenure as Attorney General than this
20 issue. What are we going to do to make things
21 better? Not make things worse. Which is, I
22 think unfortunately, may be the path that we're
23 on right now in the United States Congress as we
24 look at the dramatic effects that sequestration
25 had and is having on Indian Country and also the

1 dramatic effects that the shutdown had in Indian
2 Country, and we know that if we delay our
3 activities even three, four months, that we are,
4 virtually as a consequence of the shutdown, we
5 fall further and further behind.

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

20 My journey on this issue began really
21 years ago during the time that I was Tax
22 Commissioner and spent a lot of time traveling to
23 Indian Country, but certainly as Attorney
24 General. And, I want to tell just one story
25 about when I was Attorney General. We did a

1 project on juvenile justice trying to figure how
2 we were going to treat very hardcore juvenile
3 offenders, how we were going to get more
4 treatment for juvenile offenders as opposed to
5 simply lockup and we had gone around to all of
6 the schools in North Dakota on my juvenile
7 justice task force.

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

19 And I remember, she told a story.
20 She talked about how she had been dyslectic, this
21 woman now had her PhD. She was dyslectic and
22 couldn't read a clock and she was sitting in her
23 house and her -- she was going to a party all
24 dressed up, looking out the window waiting for
25 her car and she kept asking her mother what time

1 it was and her mother got increasingly more
2 frustrated, and at the last time she asked where
3 the car was, where her ride was, her mother took
4 her hand and she rubbed it across a nail that was
5 on the window well and this woman, PhD, held up
6 her hand and she still carried these scars, and
7 she said something I will never forget: She
8 said, "Who cares about me?" I looked out the
9 window and I thought who cares about me.

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

19 The time is now. And I used to visit
20 The Department of Interior and meet with the
21 Secretary of Interior when I was Attorney
22 General. I always sat and talked last, and as we
23 went around, they always knew what I was going to
24 ask. For eight years, I asked the same question.
25 I said, "What are you going to do for the

1 children of Indian Country?" And the answer for
2 seven years was, "We share your concern." And my
3 last response to them as they shared my concern
4 for the eighth time in the eighth year was,
5 "Could you just humor me and say you're going to
6 do something about it."

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

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

17 And so, I pledge to you as you
18 complete and do your work here and as you begin
19 to gather your data, I pledge to you I will be
20 the strongest, loudest, most obnoxious voice for
21 these issues in the United States Senate. And it
22 starts with our bill on trafficking where we have
23 focused on trafficking in Indian Country. It
24 starts with the bill that says, you know what, we
25 need to spare because children are worthy of a

1 piece of legislation to recognize because so
2 often, I think Byron will tell you this, it is so
3 hard to describe to our colleagues and so all of
4 this data is enormously important but it's not
5 important if it goes on a shelf. It's not
6 important if it's not talked about. It's not
7 important if we don't make it.

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

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

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

25 SENATOR BYRON DORGAN: Well, Senator

1 Heitkamp, thank you very, very much. This task
2 force very much appreciates your leadership and
3 willingness to come and share with us.

4 Thank you.

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

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

20 And so I come from a long line of
21 wonderful ancestors one of which was Chief
22 Shenandoah who the valley is named after and the
23 song. And, wouldn't you know, that I live in the
24 reign of Chief Shenandoah who helped save George
25 Washington during the Revolutionary War. I am

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18 spiritual welfare of the people which is an
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20 And so I come from a long line of
21 wonderful ancestors one of which was Chief
22 Shenandoah who the valley is named after and the
23 song. And, wouldn't you know, that I live in the
24 reign of Chief Shenandoah who helped save George
25 Washington during the Revolutionary War. I am

1 exactly seven generations from him at this
2 moment, and as you may know, the Iroquois believe
3 that we should consider in every act that we make the
4 seventh generation into the future, so if you've
5 heard that, that is an Iroquois belief system.

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

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

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

21 SENATOR BYRON DORGAN: I should
22 have, of course, said what you all know about
23 Joanne that she is a composer, a musical artist,
24 and someone who is perhaps more talented than all
25 the rest of us combined, but we are so proud that

1 she has joined us and is a co-chair of this
2 committee.

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

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

18 I've also seen the most unbelievable
19 despair and poverty and the evidence of sexual
20 abuse and violence against children. I've seen
21 all of it. And more recently, I was on a
22 reservation and visited a homeless shelter and
23 was introduced to a young 12-year-old girl. At
24 age 12, her mother is dead, she has no knowledge
25 of who her father might have been, she's been in

1 two foster care homes by age 12, sexually abused
2 in both. And now as a young 12-year-old, is
3 finally at last, at long, long last, in a
4 shelter. But that shelter told me when I visited
5 in recent months that their budget was cut by
6 some ignorance called sequestration. Which
7 means, if you cut the most important funding for
8 the most vulnerable Americans including this
9 young 12-year-old girl, the same amount that you
10 cut those wasteful grossly abusive federal
11 program, that is defined as ignorance where I
12 come from.

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

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

1 enormous responsibilities to correct it.

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

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

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

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

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

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

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

1 But we appreciate all of you for coming and,
2 Joanne, why don't you talk a little bit about the
3 ground rules.

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

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

17 And I want to stress strongly that
18 each and every one of you are welcome to visit
19 what we call a safe room, and the safe room is a
20 place that will be a beautiful welcoming by
21 Bonnie Clairmont. And if you will raise your
22 hand so they could see who you are. She's one of
23 our healers and she is willing to be there for
24 you. If you have a pen, I'd love to give you her
25 cell phone number. Is that okay? Okay. Her

1 number is 651-216-2209, and she will be just down
2 the hall in Room 1204. So, if you'd like to just
3 go there and either be quiet or have someone to
4 listen to you, that's the place to be. All
5 right? She will be there for you the entire day,
6 and even after hours, you can still call her.

7 So, we'd like to thank them both for
8 being here and your lovely presence and what
9 you're able to do. So, the safe room is open to
10 everyone because what we're about to embark on is
11 something that's complicated, it's difficult, but
12 it's necessary. So, we just keep that mind. We
13 are here for you, and we have nothing to fear in
14 this room. All right?

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

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

23 SENATOR BYRON DORGAN: Thank you
24 very much. The first panel today is setting the
25 stage, and they are going to have 15 minutes

1 each, and these are the -- a stage setting panel
2 is different than the other panels in the sense
3 that we have three people who are going to
4 provide an overview of the current research on
5 American Children exposed to violence, and they
6 are going to discuss strategies and programs that
7 are currently being used. And these are
8 witnesses who have extensive experience and
9 knowledge in these areas.

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