

Operation Lady Justice Virtual Tribal Consultation, Bureau of Indian Affairs Midwest Region, August 19, 2020

MARY JO GIOVACCHINI: [Good afternoon, everybody. And welcome to today's Presidential Task Force on Missing] and Murdered American Indians and Alaska Natives Virtual Tribal Consultation. I am a contractor with Leidos and I am here to support the Task Force during this consultation. We are very pleased that you are joining us today, and we hope that you find this helpful.

Before we begin, there are a few items that I would like to go over so that you know how to participate in today's event. If you are intending on offering oral testimony, we ask that you please access the event using Webex. You would have received that information in your invite. When you log in, please use the identical name that you used when registering. And you have two audio options; you may choose to have Webex call you or you can call using a telephone. If you do use the phone method, please enter your attendee ID number, which will pop up when you enter the event. All the attendees are muted upon entering, and we will be unable to hear you. When you are called upon to give your testimony, we will unmute your line and you can begin to speak. After we call upon you, please state your name as well as your Tribal affiliation and whether or not you are a Tribal leader or a designee.

There are a few features--within Webex that I would like to make sure that you understand how to use. We are live-captioning this event for those that are deaf or hard of hearing. If you need to use this feature, please click on the media viewer, which is the radio button found at the bottom center of your screen, and it has three dots. If you are having difficulty hearing or seeing anything, please submit a technical assistance request using the chat box and submit it to the host of today's event, which is Michelle Gorham. Additionally, if you are using your computer to listen and you are having a difficult time hearing, please click on the communicate tab, which is located at the top left of the screen, and then click on audio connection to adjust your speakers. If this is still causing a difficult--difficulty hearing, please use a telephone to dial in to the invite and then you can--you can find that meeting information in your invite.

At this time, I would like to turn over the consultation to Tara Sweeney, the Assistant Secretary for Indian Affairs at the Department of the Interior, who is one of the Co-Chairs of the Task Force, and she will begin today's consultation.

TARA SWEENEY: Hi, good afternoon, everyone. My name is Tara Sweeney, and I am the Assistant Secretary for Indian Affairs at the Department of the Interior. I serve as Secretary Bernhardt's designee as the Co-Chair of the Task Force, also known as Lady

Justice. And before we begin today's consultation, I would like to take a moment for a silent prayer. [moment of silence] Thank you.

The Task Force today is also Co-Chaired by Katie Sullivan. She is the Principal Deputy Assistant Attorney General for the Office of Justice Programs at the Department of Justice, and she is Attorney General Bill Barr's designee. I had the pleasure working with her throughout the duration of the existence of this Task Force and really I am very, very thankful for the support that this Task Force has received from the Department of Justice. We have representation on the consultation today from all of the agencies who make up the Task Force, including the Department of the Interior, the Office of Justice Programs, FBI, the Office on Violence Against Women, the BIA Office of Justice Services, the Attorney General's Native American Issues Subcommittee, and the Department of Health and Human Services Administration for Native Americans. At this time, I would like to ask the operator if we have any representation from the White House who will be presenting today.

MARY JO GIOVACCHINI: Yes, we do. Michelle, if you could please?

TARA SWEENEY: So I believe we have the Domestic Policy Council and the Office of Intergovernmental Affairs represented. I want to introduce Jennie Lichter from the White House Domestic Policy Council, Jennie?

JENNIE LICHTER: Hi, Tara, thank you very much. And to everyone, on behalf of President Trump, welcome and thank you all for devoting your afternoon to being with us, to being with us virtually, for this important discussion. You know, I think the plan for today, for most of this afternoon, the floor will be yours. We are here to listen and to learn from all of you speaking on behalf of your communities. And we will take your experiences and suggestions into account as we continue to build out the Federal Government's efforts to address the issue of Missing and Murdered Native Americans.

I am going to just take a moment here to offer a word of context, just a little bit of background for how we got to--how we got to today, to spending this time together today. Last spring in May of 2019, President Trump proclaimed Missing and Murdered American Indians and Alaska Natives Awareness Day, becoming the first president ever to do so, and saying in that proclamation that ending the violence that disproportionately affects American Indian and Alaska Native Communities is imperative. We then spent the next few months thinking through and talking with some Tribal communities about how to put action behind those words. We, in the White House, worked closely with Tara Sweeney's team at the Department of Interior and with the Department of Justice Team as well, and HHS, and many others. And last fall, just before Thanksgiving, the

President hosted an oval office signing ceremony for an executive order establishing Operation Lady Justice, which, as you all know, is an interagency Task Force charged with developing an aggressive, government-wide strategy to address the crisis of missing and murdered persons in Native American communities.

So this session today is part of the implementation program for that order. The president and this whole team are totally committed to following up on that Executive Order with real progress. Now of course in the intervening months, since the Executive Order was signed in November, the COVID-19 pandemic and resulting public health concerns and travel restrictions have unfortunately changed our plans somewhat and have limited the types of activities we have been able to be engaged in. We so wish that we could be with you to discuss this topic--this sometimes difficult and emotionally charged topic--in person. We all know that would be preferable, but here we are. In the midst of everything going on and the--and the limitations on our ability to be--to be with you in person, we are so grateful to our partners at DOI and DOJ who have worked really hard to keep open lines of communication and keep moving forward despite the unexpected turns this year has taken.

And again, we are really grateful to all of the Tribal leaders and Tribal members who are with us today for this virtual consultation. Please just know that you have the commitment of the White House that we will continue to drive forward with our agency partners to make a difference on this issue--and we will do that informed by what we hear from you today. I am looking forward to hearing from all of you and, again, thank you. Tara, back over to you.

TARA SWEENEY: Great. Thank you, Jennie, and thank you for your support on the Domestic Policy Council, also to the President and the team over at the White House who really have empowered this Task Force to go forward and tackle some issues that are very pressing in Indian Country. As you know, the Task Force must consult with the Tribes on the scope and the nature of the issues regarding missing and murdered American Indians and Alaska Natives as it sets out in the Executive Order.

We have had a series of in-person consultations and listening sessions set for February through July, all across the country. And as you know, due to COVID, we have had to pivot and to modify how we engage. We were able to host five in-person listening sessions in February and early March before the current health crisis. We held an additional four virtual listening sessions at the end of May beginning to--the beginning of June. And given the current situation, we are holding our 12 virtual Tribal consultations over the next month. They are organized by the BIA Regions. The "Dear Tribal Leader"

Letter and the Framing Paper were distributed on July 17 and, again, on August 11. In addition, this series of virtual consultations was widely publicized across the country.

The moderator, Leidos, will navigate to the Operation Lady Justice questions slide of the Framing Papers. The consultation questions are organized across four areas to encourage discussion about issues in your communities: the scope of the two problems of missing or murdered, the challenges your communities face, what solutions or resources do you have or are needed, and what specific recommendations do you have to address or curtail the incidents of missing or murdered cases within American Indian and Alaska Native communities. And at this time, I will turn it over to the moderator of Leidos to call on our speakers. Thank you.

MARY JO GIOVACCHINI: Thank you so very much. And we will call on our first speaker, and that is going to be Shannon Holsey. We will unmute you. And when we unmute you, please state your name and your Tribal affiliation. All right. It appears that Shannon is not on the call right now. So, we are going to go ahead and move over to Gwendolyn Topping. Gwendolyn, we will unmute you and at that time, you can state your name and your Tribal affiliation.

GWENDOLYN TOPPING: [SPEAKING IN NATIVE LANGUAGE] I am from Red Cliff. My name is Gwendolyn Topping, and I am an Associate Judge with the Red Cliff Tribe. I come to you first being a daughter, a sister, and a mother. Like I said, my next role is serving as an Associate Judge for the Red Cliff Tribal Court. And finally, the last, serving as the President of the Wisconsin Tribal Judges Association. I come here today, seeing that there are many venues that I work with, that have the potential to improve the dialogue, develop resources and increase the current use of resources--with the goal of providing better outcomes for our Native families, our Native women.

Some of the issues that have come to mind include multigenerational trauma and AODA issues leading to the disappearance, the abuse of our women, our families. There are others that may not be as obvious, like, the lack of a routine, community activities, and our males having positive role models. There is a need to regain our identity, our culture, and our language. In terms of Red Cliff, and likely through other Nations, we look through the influence of, as impacting in four ways: our mind, our physical, emotional, and spiritual. We are not able to address all of these issues equal. This also leads to problems in how individuals and communities are hurting. This leads to, of course, our AODA, our multigenerational trauma. We need to find strong coping skills. Instead of finding solid coping skills, many are turning to the option of dulling their emotions through AODA. This makes our population more vulnerable.

All these skills were built into our culture that was lost. Many are still grieving that loss and maybe do not even realize it because it was the grief of their parents, the grief of their grandparents, and that cycle continues. Again, hoping we can find more solutions--whether they be grant-funded activities, community-based activities--to ensure that our people can provide positive activities. And from a personal standpoint, I am an adoptive parent of two daughters. When they first came to me, their only form of pretend play, what they call "the game," something that I would have called playing house--it always ended with someone being arrested from some type of violence. This is something that was built into them from their normal daily life. So it seems that we need to make some changes in what we consider our norms because violence against our families is not acceptable. It should not be considered a norm. And so not just making that statement, but also follow through in our actions. I see so many great potentials for this connection in the future. The idea that there are short- and long-term benefits that could be brought to Tribal communities is just part of the bright side of this. The rural communities, like my community, Red Cliff, seem to often go unnoticed. We are poverty-stricken. We are dependent on tourism, which is seasonal, and really need attention from these types of groups. And overall, this is just long overdue in Indian Country [SPEAKING IN NATIVE LANGUAGE].

MARY JO GIOVACCHINI: Can you confirm that that is the end of your testimony?

GWENDOLYN TOPPING: And that is the end [SPEAKING IN NATIVE LANGUAGE].

MARY JO GIOVACCHINI: Thank you very much. We are going to go on to our next speaker, who is Shannon Holsey. Shannon, if you would please state your name and your Tribal affiliation, we will go ahead and unmute you right now.

SHANNON HOLSEY: Good afternoon [SPEAKING IN NATIVE LANGUAGE]. My name is President Shannon Holsey. I represent the Stockbridge-Munsee Band of Mohican Indians in Wisconsin. Thank you for allowing me an opportunity to speak before the committee today, and all of the Indigenous organizations and Tribal Nations that--this issue is so fundamentally important to us. I just have maybe a few observations and then some recommendations. I wanted though to preface that I appreciate Assistant Secretary Tara Sweeney. When she spoke of it, she spoke of it more plurally as communities and not specific to women and children. Because one of the things, one of the observations that I have made, I have also--I also sit,--I am the Co-Chair of NCAI's Violence Against Women's Act Task Force. And one of the things that we resoundingly have been talking about, and some of our grassroots organizations and state organizations have talked about, is the inclusivity of not just missing and murdered, but also men and boys that are--also encompass within our Tribal communities and need the same protections as does everyone.

So with that said, we are looking, or at least I am--my suggestion is that there be a request for more transparency. Meaning--what I mean by that, let me just clarify that, is how will the Operation Lady Justice develop the protocols and procedures to apply the new and unsolved cases? Meaning--how will they determine which cases get opened? And will there be cohesion and connection to the families, and reaching out to them to let them know that their cases are being investigated? And then just what are some of those protocols?

I think we need to also impress the lack of response of these types of listening sessions and consultations. And one of the observations made was that there are a lot of people that lack that connectivity in Indian Country, whether it be internet or telephone. I do not know about you, but just having multiple Webexes--and Zooms and everything else. I live in a very rural area, like the Chief Judge just talked about from Red Cliff Nation [SPEAKING IN NATIVE LANGUAGE] Chief Judge and those are challenging, you know. The--to get connectivity sometimes and have access to that technology is also a much needed resource.

So, just as you move forward and build out your considerations, I would like you to at least take note that that is one of the challenges, you know. And then, of course, there is the other--the other issue of the connectivity, and I know that you spoke of it earlier on when you made your general announcement in just your introduction. You know, sometimes it lacks the comfortable--the level of--because it is such a sensitive subject, the ability to have people tell their personal stories on a digital platform, medium, you know. I know that sounds—it is very difficult during a pandemic, of course. But moving forward, if there is afforded opportunities to have a different form of engagement, I think that that would go a long way for that reconciliation and healing, and also building out some of those protocols and procedures that are much needed. And, you know, so I think that we recognize and strengthen Indigenous [INDISTINCT].

I think the Western criminal system, just--system, while in some cases may create immediate safety in the short-term response, I believe, and many believe, that a long-term strategic response is needed to center--to center survivors in their families by culturally strengthening the status of Native women and upholding Indigenous teachings, beliefs, as the Chief Judge spoke of languages and respect. And I think we need to identify reforms that strengthen that response in Indian Nations to violence and increase protections of Native women within the Tribal frame of the sovereignty. I recognize, because we all run our own sovereign--we, as Tribal Nations, are sovereigns in our own right and have our own structures of government, but I know that there would be a great deal of appreciation if that framework was filled with the context of

understanding Tribal sovereignty. And as you implement those reforms, distinctly use those frameworks, and shift from a more federal framework to a more Western criminal justice system so that there is synergy and balance. And I think, you know, the foundation--the current foundational legal and policy barrier to the safety of Native women resulting in crisis--the crisis, and given the federal reforms include Violence Against Women's Act, and the Tribal Law and Act Order, and other legislative--other legislation, that all should be considered as you continue to build out your models and your protocols.

And I think it also would go without saying that we need to unite and organize on a platform for action to remove the identified foundational legal and policy barriers, and agree upon joint efforts to overcome the identified barriers over the next several years. I recognize that you are rolling out. I was able to attend the ribbon cutting in Minnesota in Bloomington, and with Secretary Bernhardt, and the Assistant Secretary Tara Sweeney. And I was grateful to have the opportunity, although I was not able to have the platform to speak, I appreciated its intent, and I recognize, and I think they also recognize, that there is much work to be done. But it needs to be done with the inclusivity of Tribal Nations because they are the relevant subjects, and they understand their communities and their Nations. That concludes my testimony. Thank you very much.

MARY JO GIOVACCHINI: Thank you very much. We are going to go on to our next caller at this time, and that is going to be Guadalupe Lopez. Guadalupe, if you could please state your name and your Tribal affiliation, we will unmute you.

GUADALUPE LOPEZ: [SPEAKING IN NATIVE LANGUAGE] My name is Guadalupe Lopez. I am a citizen of the Leech Lake Band of Ojibwe. I also work for the Minnesota Indian Women's Sexual Assault Coalition. We are a national TA provider for two major grants around sex trafficking. And we also wrote a report, "The Garden of Truth," that was almost—it is almost 10 years old now, in 2011, where we started to ask survivors of sex trafficking and prostitution, their experiences with other relatives and community members who they have not in contact any--or they do not have contact with anymore.

I guess I just wanted to be a part of--I have been working in the--in this movement for 13 years, specifically here for the Minnesota Indian Women's Sexual Assault Coalition, but I have been a Domestic Violence and a Sexual Assault volunteer advocate for Saint Paul, Minnesota. And I am enrolled in Leech Lake, but I have always lived in the urban areas. So going back home, back-and-forth, is something that I somewhat have experience in.

I guess one of the things that is super important to me, being a TA provider, around the issues of MMIW and sex trafficking is how interlinked they are. I also wanted to express the--some of the things that, just talking with community members of how families are kind of left on the wayside with cold cases. So, I am trying to be open-minded and excited that there is platforms that--on a very federal level--to address the murders of our relatives, and that there are going to be continued support and justice, whatever that might look like. I also really want to acknowledge that there are so many grassroots groups that are doing what they can to organize in smaller communities that will never be able to sit at these tables. Well, that will never be asked to join these Webexes, or the webinars, or Zooms. So I want to acknowledge that, and that is all of our jobs to make sure that all of the voices are in--are sitting at the table.

I think one of the things that I have noticed just by doing this work is a lot of times, because depending on what we as, you know, like, what we--how we can look, our names. Guadalupe Lopez--if you just look at my name, nobody would have probably known that I am a citizen of a Tribe, maybe, or if I had blonde hair, or whatever. So sometimes I think that just the misrepresentation of who we are as Indigenous people, as Native people, as Tribal people, that could be lost within the--in the system.

I also want to recognize that I really believe the discussion around racial disparities is super huge in all of this. And I just remember thinking when I was 12 years old, and Jacob Wetterling was the same age as me, he was a high-profile case here in Minnesota, in St. Cloud, I remember thinking "Wow, I am glad that I am not white because white kids get kidnapped but not brown kids." And that was false. It is the reason why brown kids--and we end up missing all the time--but we just never make the news. And so having that realization and then going to this work really has impacted me. So, thank you for letting me speak. I am done.

MARY JO GIOVACCHINI: Thank you very much for your testimony. Our next person to offer testimony is going to be Kristin Welch. Kristin, we will unmute you. Please state your name and your Tribal affiliation. Oops. Sorry, go ahead, Kris. Kristin, you are--you are on--Kristin, you are unmuted. You can go ahead and begin your testimony. But now I think you--it looks like, Kristin, you might have muted your phone again. If you want to go right ahead, you can begin.

KRISTIN WELCH: [SPEAKING IN NATIVE LANGUAGE] I was not intending on speaking as a Tribal rep or a Tribal representative. I was just intending to listen at this point, but would just offer testimony on behalf of our grassroots organization, Women's Leadership Cohort-MMIW, and ensuring, like it had been mentioned before, that there is transparency and clear communication. And that whatever is happening, especially

around the cold-case offices, that there is survivor-centered approaches to that. And that we are really reaching out to them to ensure that there is not a deeper backlog on the cold-case investigation than already is happening, and further trauma happening to the families, that we are able to offer clear support for our survivors and our families in the processes, and that we are engaging in the state Task Forces along with our Tribal leaders and the work ahead. That will end my testimony.

MARY JO GIOVACCHINI: Thank you very much. We have three presenters--or three speakers that are remaining. Right now, I do not see these individuals on the call, but I am going to call out their names just in case. And that would be Shannon Holsey. I am sorry. I apologize. We already spoke with you. Gwendolyn Topping? Colette Yellow Robe? Stacey Schinko? And Monte Fronk? It does not appear that they are on the call. So at this time, we can move on. We do not have any other individuals who registered indicating that they wanted to offer testimony.

TARA SWEENEY: So, Michelle, do we want to just give it a few minutes to see if those that registered are coming back online?

MARY JO GIOVACCHINI: I am looking to see. There are a couple of people here that are indicated just as callers and with no names. I am not sure if they were the--any of the individuals that I called out, which is why I did that. As of now, nobody else is registered under the names that I mentioned. They are not show...

TARA SWEENEY: Okay. Can you go through the names one last time before we conclude?

MARY JO GIOVACCHINI: Yes, please. That would be Colette Yellow Robe, Stacey Schinko, and Monte Fronk.

TARA SWEENEY: You were breaking up during your--as you were listing off the names.

MARY JO GIOVACCHINI: My apologies. Monte Fronk, Stacey Schinko, and Colette Yellow Robe.

TARA SWEENEY: Okay. It looks as if all of those who registered to speak today have provided their inputs. I certainly want to just reinforce the messages that were shared this afternoon about role models, looking at community activities, healthy community activities. And the focus on culture and coping skills, and the importance for the Task

Force to continue to have a community-wide focus on Missing and Murdered Indigenous or Missing and Murdered Native Americans.

For those who would like to provide comments or testimony, the Operation Lady Justice has a website and an email address both listed here on this slide. The website, as you can see, is OperationLadyJustice.usdoj.gov. And the email is operationladyjustice@usdoj.gov. And if you would like to participate and provide testimony, we will be hosting calls until September 19, so every week--or September 17. Every week until September 17. And you are encouraged to register to speak. If you choose not to register and you would like to submit additional comments or information, again, I direct your attention to the website and the email addresses. We are also receiving written comments through September 30, 2020. And all of those information points can be found on the Operation Lady Justice website.

To the Task Force members who have participated on this call today, thank you for your time. To all of those who have provided comments to the Task Force, again, thank you for your suggestions. Thank you for your viewpoints and your time to engage on this very important issue. I also want to thank the White House for your continued support, for President Trump and his continued support for the work of this Task Force and engaging on so many levels within Indian Country and Alaska Native communities. With that, our next consultation will be held on Friday at the same time. And we look forward to participating in that event as well. So with that, I wish you all well. Thank you very much.