

## **Operation Lady Justice Virtual Tribal Consultation, Bureau of Indian Affairs Pacific Region (Second Session), September 8, 2020**

MARY JO GIOVACCHINI: Good afternoon, everybody, and welcome to the Presidential Task Force on Missing and Murdered American Indians and Alaska Natives Virtual Consultation for the Bureau of Indian Affairs (BIA) Pacific Region. We appreciate those of you who have joined early, and we are going to start the consultation at approximately 1:45 to allow time for those that registered to offer testimony to join and get settled. So until then, we will be silent, and we thank you very much for your patience. Hello, everybody, and welcome. I wanted to let you know that we will be starting the consultation at approximately 1:45. Thank you for your patience.

Welcome to the Presidential Task Force on Missing and Murdered American Indians and Alaska Natives Virtual Tribal Consultation for the BIA Pacific Region. I am with Leidos, contract support for the Task Force, and we are happy that you are joining us today. Before we begin, I would like to go over a few items so that you know how to participate in the event. All attendees will be muted upon entry. If you are registered to offer oral testimony, we will unmute your phone when it is time for you to begin speaking. There are a few things, though, that I would like to point out. If you are going to offer testimony, please be sure that you have logged in and are accessing the meeting via Webex. You will need to do this either using a computer or a mobile device. When prompted, please enter the name identical to the way you entered it when registering. You have two options to join audio. You may have Webex call you or you may call using a telephone. If you choose the option to call in using a phone, please be sure to enter your attendee ID number. This allows us to be able to identify who you are. When you are called upon to offer testimony, please restate your name, indicate whether you are a Tribal leader or a designee as well as your Tribal affiliation. We will then unmute you and let you know that you can begin testimony.

There are also a few features that I would like to point out that we will be able to use today. If you hover over the bottom center portion of your screen, you are gonna see a series of radio buttons, and there are two features here--one is the radio button with the three dots, and the other one is the radio button that looks like the conversation bubble. This event is being live-captioned for individuals that are deaf or hard of hearing. You can log in to the Media Viewer, which is located under the radio button with the three dots, in order to use this feature. If you are listening to the event using your computer and you are having a difficult time hearing, please click on the Communicate tab, which is located at the top left portion of your screen, and then Audio Connection to adjust your speakers. If you are still having a difficult time hearing, we do suggest that you use a telephone and you can find the dial-in information in your meeting invite. If you need

technical assistance during the event, please click on the Chat Box, which is the radio button with the conversation bubble and submit your issue to the host for today's event, and somebody will assist you. As a reminder, all lines will be muted. At this time, I would like to turn the consultation over to Tara Sweeney, Assistant Secretary for Indian Affairs at the Department of the Interior, who is one of the Co-Chairs for the Task Force, and she will begin today's consultation.

TARA SWEENEY: Good afternoon, everyone, or good morning to those out west. My name is Tara Sweeney, and I have stated I am Secretary--Assistant Secretary for Indian Affairs at the U.S. Department of the Interior. I also have the honor of serving as Secretary Bernhardt's designee as the Co-Chair of the Operation Lady Justice Task Force. Before we begin today's consultation, I would like to take a moment for silent prayer. There is a lot taking place out west, and if you would join me, please, for a moment of reflection. Thank you. This Task Force is also Co-Chaired by Katie Sullivan, the Principal Deputy Assistant Attorney General for the Office of Justice Programs at the Department of Justice. She serves as Attorney General William Barr's designee.

We have representation on the consultation today from all of the agencies who make up the Task Force, including the Department of the Interior, Office of Justice Programs, the 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. We also have representation from the White House through the Domestic Policy Council and the Office of Intergovernmental Affairs. And today, I would like to introduce Doug Hoelscher from the White House Office of Intergovernmental Affairs. Doug?

DOUG HOELSCHER: Thanks to the Secretary. Appreciate your leadership of the Operation Lady Justice Task Force and all the initiatives that are related. And on behalf of President Trump, I want to welcome everybody to the call today, and thank you for devoting your afternoon to being with us for this important discussion. For most of the afternoon, as Tara mentioned, the floor will be yours. We are here to listen and learn from each of you speaking on behalf of your personal experiences, but also the communities that you lead and serve. 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, especially women and girls.

First, I am gonna offer just a bit of context, some background, for what came before this series of virtual consultations. In May of 2019, President Trump proclaimed Missing and Murdered American Indians and Alaska Natives Awareness Day, becoming the first president to ever do so, saying that "Ending the violence that disproportionately affects

American Indian and Alaska Native communities is imperative.” That order gave all the federal folks on this call our marching orders. We on the President’s team spent the next few months thinking through and talking with Tribal communities about how to flesh out a program of federal government action on this issue. And just last fall, just before Thanksgiving, the President hosted an Oval Office signing ceremony for an Executive Order establishing Operation Lady Justice, which is an interagency Task Force charged with developing an aggressive--excuse me--an aggressive government-wide strategy to address the crisis of Missing and Murdered persons in Native American communities. This session today is part of the implementation program for that Order. The President and his team are committed to following up on the Executive Order with real action and concrete progress. And over the last year, you have seen just that.

Recently, six Operation Lady Justice offices have been formed to drive collaboration and coordination among Tribal, state, and federal law enforcement and other stakeholders on this issue and also to look at cold cases and make sure that we are following through on the commitment so these individuals are forgotten no more. And so, again, I want to thank Tara and the Department of the Interior team and the Department of Justice team, but also other federal agencies and leaders, including Jeannie Hovland at HHS and many others. We are obviously doing this via VTC and via phone today. We did host several in-person listening sessions before COVID-19 pandemic hit, and the resulting travel restrictions and public health concerns, but we want to make sure we continue to learn and listen. And where there is consensus on actions, we are gonna take those actions, as I mentioned with the six offices that have been opened up.

But also, the Department of Justice moved about a year ago on moving critical resources out to improve public safety in Indian Country. And so we will again take action where there is consensus and make recommendations that we hear from each of you. We are grateful to our partners at all federal agencies, but most importantly our Tribal partners, who have worked really hard to keep the open lines of communication and keep moving forward despite unexpected turns that the year has brought about. And again, we are grateful for your presence for this virtual consultation. You have the commitment of the entire White House team and the entire federal government that we will continue to drive forward, with our agency partners, to make a difference on this too-long overlooked issue that President Trump wants to continue to prioritize. And again, we will take actions informed by what we hear from you today. And so with that, I want to thank you all for your time, and I look forward to hearing from you.

TARA SWEENEY: Thank you, Doug. Thank you for your continued leadership, your partnership, and the support from the Trump Administration on the work of the

Operation Lady Justice Task Force. In the Executive Order, it states that the Task Force must consult with Tribes on the scope and nature of issues regarding Missing or Murdered American Indians and Alaska Natives. As Doug had mentioned, we had a series of in-person consultations and listening sessions, and we had a series of them set for February to July across the country. We were able to do 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 and the beginning of June. And as stated earlier, given the current situation, we are holding our 12 virtual Tribal consultations over the next month, and again, they are organized by the BIA regions. The "Dear Tribal Leader" letter and framing paper was distributed on July 17 and again on August 11. In addition to this series of virtual consultations, they were widely publicized across Indian Country.

The consultation questions that you see on the screen for those who can access Webex are organized across four areas to encourage discussion about the issues in your communities. The scope of the two problems of missing or murdered based in your community, the challenges faced by your community, what solutions or resources do your communities currently have or are needed, and whether you have specific recommendations to address or curtail the incidents of missing persons or murdered cases within American Indian and Alaska Native communities. And so, with that, I would like to turn it back over to Leidos to call on the registered speakers. I also want to thank those individuals who have called in and those who are offering testimony today. Thank you.

MARY JO GIOVACCHINI: Hello. Thank you very much, and we are gonna start with our first speaker. We will unmute your line. I will let you know when you have been unmuted and you can begin speaking. Please state your name, if you are a Tribal leader or a designee, as well as your Tribal affiliation. Dorothy Wait. You will be the first person to offer testimony. And if you give me a second, I will let you know when you are unmuted. Dorothy, you can begin. Dorothy, your line is unmuted. You may offer your testimony. Dorothy, it does appear that you, perhaps, are calling in using a computer. I am not sure if your audio is set up correctly. I saw earlier you also were on a telephone. If you want to go ahead and dial in on a telephone, we can go back--we can go to the next person and then come back to you.

All right, our next speaker will be Carolyn DeFord. Carolyn, we will unmute your line. Please state your name, whether you are a Tribal leader or a designee, as well as your Tribal affiliation. And Carolyn, your line is unmuted. You may begin. Carolyn, can you hear me? Are you able to start your testimony? It looks like I can see some indication that there is sound coming from your system. [Static]

CAROLYN DeFORD: Good morning. I did not register today, or I did not intend on speaking today. My name is Carolyn DeFord. I am Puyallup, Cowlitz, and Nisqually. I am an advocate for families and our missing people and I am also a family member of missing people. I was just registering today to offer support and be here for our families in the California and the Pacific region who have experienced great loss because I know that it is a devastating amount of our relatives that have gone missing. So I did not want to take any time from them. I just wanted to be here to hear testimony and offer support to those families. Thank you for giving me the opportunity, but I will cede my time to those who reside in the region. Thank you.

MARY JO GIOVACCHINI: Thank you, Carolyn. I appreciate that. We are gonna go-- there are also two other individuals that have registered that I am unable to identify based on the list of names. We have one line that is a caller line. We will unmute that line and determine whether or not that is for either of these individuals. Beatriz Arakawa. Roxanne White. If either of you are on the call, please restate your name, your Tribal affiliation, and you can begin your testimony. Beatriz Arakawa and Roxanne White. All right, thank you. We are gonna move on. Dorothy, we are gonna try to unmute your line again and see if we can hear your testimony. Dorothy, your line has been unmuted. You may begin. Hello, Dorothy? Can you hear me? All right, Dorothy, we are gonna go ahead and move on. That actually is all the callers that have registered to offer testimony, so we do not have anybody else. Tara, if you want to continue. If Dorothy does respond through chat or something, then we can try again.

TARA SWEENEY: Yeah, I would like to see if we can get her connected.

MARY JO GIOVACCHINI: Dorothy, if you could submit either a chat or a Q&A and let me know if you could hear me. The option would be to have you call in using a telephone. You could also register for the event on 9/17 to speak at that event as well. I feel like we are hearing something from your line. Dorothy Wait, if you can hear me, you may begin your testimony.

DOROTHY WAIT: Thank you very much. I sent a chat message. I am on the phone with an emergency response. When we are finished, I will let you know. Otherwise, I may need to register for the next session. Thank you for your patience.

MARY JO GIOVACCHINI: Oh, thank you very much. I did not see the chat. Tara, Dorothy would be our last speaker. I do not know if you want to go ahead and continue on and then we can come back to her at the end before we actually close out.

TARA SWEENEY: Sure, we can go ahead. Yeah. I will go through these last slides. As you know, Operation Lady Justice has a website and an email address. Both are listed on the slides before you. The website is [OperationLadyJustice.usdoj.gov](http://OperationLadyJustice.usdoj.gov), and the email address is [OperationLadyJustice@usdoj.gov](mailto:OperationLadyJustice@usdoj.gov). If you wish to receive updates from Lady Justice, please subscribe to the website. We are also receiving written comments through September 30, 2020, and they can be sent to the Operation Lady Justice email address that you see on your screen. I know that there are a number of individuals who continue to participate by--in listening mode. I would encourage that if you would like to submit your comments to do so, as well as registering for one of the final three sessions coming up. And do we have the schedule for the last three sessions available? Marcia?

MARY JO GIOVACCHINI: If you give me a second, Tara, I can pull that up real quick.

TARA SWEENEY: OK, well, I know that we have the September 10, 1:30 to 5 p.m. Eastern time, the BIA Alaska region, the first session; and the second session is on September 14 from 1:30 to 5. And on September 17, 1:30 to 5, these are all Eastern times, will be the final session for any leader who did not make their scheduled regional session. If there are individuals who are listening who would like to provide oral testimony, please register for those sessions. And with that, Michelle, I will turn it back to you to see whether or not we have any additional callers.

MARY JO GIOVACCHINI: We did have one individual that sent a message to Jeannie, and that is Juana...let me see here...It is Juana Dixon?

JUANA DIXON: Mahel Dixon. Am I on?

MARY JO GIOVACCHINI: Yes, you are.

JUANA DIXON: Hello, everyone. I am glad you are all there, and I know you are doing a lot of work during this time. And it is quite extraordinary to be talking to you right now considering we just went through something like this and we are going through it. I have to tell you that the work you are doing is not being measured in a way that makes the best but also works, you know. I mean, it is like COVID is creating such a divide in terms of communication that to measure it as not communicating would be, I think, disingenuous because you are reaching out and the Tribes are trying to. And at the same time, they are mitigating the issues back at home. And the missing side of things, we have learned so much in our journey as Tribal leadership and sovereigns working to make practices balance between existing authorities.

What has become pretty paramount to a lot of us is that a lot of northern states and, of course, southern--which I think you would know, Tara, from your experience with Katie and the trilateral discussions and the things you have attended--and looking at that, we are seeing probably the very conversations and thoughts you had during that time manifest themselves as a reality out in our world. COVID seems to have increased our invisibility, and missing is escalating in... A hard part about this is that I know the federal system has to do the tailored work you are doing with your field of expertise and people to create what we need to have happen with your boots on the ground. Unfortunately, that does not stop what is going on, and Tribes and sovereigns have responded very strongly and very creatively and that is in measure not being shared, and I am hoping it will be because we are gonna learn from one another.

When you have a sovereign citizen go missing in a [PL] 280 state, and you have the -isms of a 280 state where we are so invisible, you pretty much have to think about "Do I continue dot the 'I's, cross the 'T's for documentation purposes?" So we did. Do we use it as a tool to improve upon? Of course, but how? When I think about the protocols that there are not there, the invisibility of our people, and the readiness to not only take a missing person--woman, child, elder--is so prevalent even in COVID time, it is kind of frightening. It seems like everyone has been given permission to go harm. And when I think about that, it becomes a reality check for our world, when you consider the women share their perspective, that they know that their Tribal society based ours about the need and concerns of their people. So the women are responding, and they are doing the lulus and renderings and prayers and telling you "See my sister home." For how many years we have to do that, I do not know. But I want you to succeed if this is what is gonna happen.

If your information that you get from leadership is not profound enough, then let us sit down and talk about how to make that work. Those pieces that did work, let us bring them together and balance what happened in the Northwest and the Northeast and the Southwest, and Pacific may be similar. How do we make that work? Do we keep it regional for practical purposes in terms of finding an attention to detail of who is being served? Or do we address it as the national issue that it is across sovereigns in Alaska and here in the lower 48, when you consider our relatives that are on the Canadian side that are members of the same tribe in the U.S. and in Mexico as well?

When you consider what it took to make--to shut down a border from El Paso to Pacific Coast, who are the players? Who gets involved? Is it Homeland Security? It is a separate division, what is on the border and what is at the Port Authority. When you think about who you call in to help in a [PL] 280 state situation, which essentially is giving the freedom of the perpetrators in this country to harm us more, because it is the

law that is not implemented because it is not funded--not funded by the feds or the state. If it is not funded, it is not gonna happen. We have to find a balance and measure of that, Assistant Secretary Sweeney, we have to. I am reaching out to you to really, seriously look at this language, because it is a crippling language. What we were told by the federal government at the time that if you get every single tribe...to denounce Public Law 280, and they did. And the state agreed beforehand. And the state did not want it because they had no funding. I worry about the fact that it is just a law that no one really understands how to implement, and it cripples you as--that is where you are gonna be. Operation Lady Justice, it is gonna cripple you. 'Cause if that does not change, you have over 350 tribes harmed, more than half the population of Indian Country harmed, 46% increase of missing or murdered and violence in our nation since COVID. This stuff is real. It is happening. It is almost like COVID has given a license for every ugly perpetrator out there to come in Indian Country and harm us, and there is nowhere to go except ourselves. So sovereigns are acting sovereign. It is not an impediment or it is not a disrespect. It is a sovereign act. These are our sovereign citizens.

But if Operation Lady Justice is to succeed, it has to take responsibility for a crippled law, has to take responsibility for changing that, and provide the mechanisms to bring those tribes who want to be in this together collectively or cooperatively or inter-tribally work together. You saw this happen. Some of you have been here long enough to know. You saw this happen under Adam Walsh. Probably one of the latest sophisticated forms of termination. Under Adam Walsh, suddenly the tribes across the country had to create a Sexual Assault Registry. What do you know about that? What have you seen about that? How have you interacted with it? You know, so when you look at those steps and you realize that those tribes, 280 some of them, who did not do this registration for a Sexual Assault Registry, the state would opt in. Mary Jo, you want to talk to me?

MARY JO GIOVACCHINI: Yeah, I am sorry. I am gonna have to ask you to please wrap up testimony. . .

JUANA DIXON: Go ahead.

MARY JO GIOVACCHINI: As we are limited to seven minutes. So thank you.

JUANA DIXON: Whatever. OK, go ahead. Do your thing. I am through.

MARY JO GIOVACCHINI: You can wrap up. I just wanted to let you know that you can just start wrapping up.

JUANA DIXON: You know, when you live this thing...when you have it hit your heart, there are no words, other than the fact that we must make a change. And if this report can do that, then do it, but do it with the Tribes. Do not do it because it looks good on paper. I do not think that is what you are saying, but let it go. I have no more to say. I think we can talk more later. We are gonna work together, so carry on. I thank you for the opportunity.

MARY JO GIOVACCHINI: Thank you very much for your testimony. We do appreciate that. Tara, we did lose Dorothy, and we do not have any other speakers at this time, so I am gonna hand it back over to you.

TARA SWEENEY: OK, thank you, and thank you, Juana for your continued advocacy. I know that you have been a leader in--on the ground and always reminding your audience about the need to focus and help provide solutions for PL 280 states as well, and so your words are not lost on me. Personally, as a Task Force member, I want to thank all those that have provided input today. Again, I would encourage you to register to speak at one of the last three sessions. Again, the times are from 1:30 to 5 p.m. Eastern time. The first Alaska session will be on September 10, the second Alaska session will be on September 14, and the all...all of the nation consultation, the final one, will be on September 17. And if you would like to submit, again, written comments, I encourage you to do so at the [OperationLadyJustice@usdoj.gov](mailto:OperationLadyJustice@usdoj.gov). And for additional information, you can also visit the website at [OperationLadyJustice.usdoj.gov](http://OperationLadyJustice.usdoj.gov). And with that, I thank you for your time and input.

MARY JO GIOVACCHINI: And that would end today's consultation. Thank you very much.