

Operation Lady Justice Virtual Tribal Consultation, Bureau of Indian Affairs Southwest Region, August 27, 2020

MARY JO GIOVACCHINI: Good afternoon 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) Southwest Region. We appreciate you joining us early. And we will start this consultation shortly at approximately 1:35. We are going to give a little bit more time for individuals to join, in particular those that intend to offer oral testimony. We really appreciate your patience and we will be back with you soon.

Good afternoon, everybody and welcome to today's presentation--consultation, the Presidential Task Force on Missing and Murdered American Indians and Alaska Natives virtual consultation for the BIA Southwest Region. Before we begin today's webinar or consultation, I would like to go over a few items so that you know how to participate. All attendees will be muted upon entry into the event. If you plan to offer oral testimony, please take a few minutes to be sure that you have completed the following steps.

Please access the event via Webex. You will need to do this either by using a computer or a mobile device. When prompted, please enter your name exactly the way you entered it when registering for the event. You have two options to join the audio. You can do--you can call in using a telephone or use Webex and they can call you. If you choose to use the option to--of using a telephone, please be sure to enter your attendee ID number. You will be able to find this as soon as you log in to WebEx.

When it is time for you to speak, we will call your name and we will unmute you. Please restate your name, indicate if you are speaking as a Tribal leader or a Tribal designee, your title, and the name of your Tribe. If you are registered other than a Tribal leader or a designee, you will be limited to seven minutes for your remarks. There are a few other features that I want to point out for you. If you hover over the bottom center part of your screen, you are going to see a series of radio buttons. We will be using the radio button that looks--that has the three dots, as well as the one that looks like the conversation bubble.

The event today is being live-captioned for those that are deaf or hard of hearing, and you will be able to log into that feature by clicking on the Media Viewer, which is located under the radio button with the three dots. If you are listening via your computer and are having a difficult time hearing, please click on the Communicate tab at the top left and then Audio Connection to adjust your speakers. If you are still having a difficult time hearing, please select the option to call in and you can find the dial-in information in your meeting invite. If you need technical assistance during today's event, please

submit your problem or your issue to the host. And you can do that using the Chat feature. Again, the Chat feature is located under the radio button, the conversation bubble. As a reminder, everyone is muted.

At this time, I would like to turn the consultation over to Jessica Hart, Director of the Office for Victims of Crime at the Department of Justice. Jessica is participating today for Katie Sullivan, the Principal Deputy Assistant Attorney General for the Department of Justice, Office of Justice Programs, who is one of the Co-Chairs of the Task Force. Jessica will begin today's consultation.

JESSICA HART: Thank you so much. Good afternoon, everyone. Thank you all for taking time out of your day to be here with us today. I am really excited to hear from you and I know our Task Force is, too. Before we begin today's consultation, I would like to take just a moment for silent prayer. Thank you. As I said, my name is Jessica Hart. I am the Director of the Office for Victims of Crime at the Department of Justice. And I work for Katie Sullivan, who is the Principal Deputy Assistant Attorney General at the Department of Justice's Office of Justice Programs. Katie is Attorney General Bill Barr's designee as the Co-Chair of the Task Force, otherwise known as Operation Lady Justice. The Task Force is also Co-Chaired by Tara Sweeney, Assistant Secretary for Indian Affairs at the Department of [the] Interior. She is Secretary David Bernhardt's designee.

We also have representation on the consultation today from all of the other agencies who make up the Task Force, including the Department of [the] Interior, Office of Justice Programs, the Federal Bureau of Investigation (FBI), the Office on Violence Against Women, 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 a special guest with us here today from the White House on behalf of the Domestic Policy Council and the Office of Intergovernmental Affairs. From the Domestic Policy Council, we have with us today Jennie Lichter, who is the Deputy Director for DPC at the White House. And Jennie has been very involved in this Task Force and has really been a champion on some of the issues we are going to discuss here today, so I am very happy to introduce Jennie and let you all hear from her. Jennie?

JENNIE LICHTER: Thank you, Jessica. I appreciate that. Happy to be working with you, and everyone on the Task Force, and to everyone else on the line. On behalf of President Trump, welcome and thank you. Thank you very much for spending some time with us this afternoon for this important discussion. For most of the afternoon, the floor, of course, will be yours, and we are here primarily to listen so that we can learn

from all of you as you speak on behalf of your communities and share your experiences. We will take those 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.

Before we really dive in, I am going to take just another minute to offer a little bit of background and context for how we got here to this moment of spending this time together today. Last year 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." So those words were our marching orders essentially. And we, on the President's team, spent the next few months thinking through and talking with some--with Tribal communities about how to put some action behind that commitment.

And last fall, just before Thanksgiving, the President hosted an Oval Office signing ceremony for an Executive Order establishing Operation Lady Justice, which you all know, and Jessica just mentioned, is the interagency Task Force charged with developing an aggressive government-wide strategy to address this crisis of missing and murdered persons in Native communities. This session today, of course, is part of the implementation program for that Order. The President and this whole team are fully committed to following up on the Executive Order signed in November with real progress and real action.

Now of course this year has not gone quite as we had planned, and in the intervening months since the Executive Order signing, the COVID-19 pandemic and the resulting public health concerns and travel restrictions have changed our plans. And obviously we have been quite limited in the types of activities we have been able to engage in. We very much wish that we could be with you in person to discuss this difficult topic, which I do believe is a topic for which, under the best circumstances, the ideal circumstances, we would be able to kind of look each other in the eye and talk together face to face.

But that is not possible right now, of course, and we are really grateful to our partners at the DOJ and the Department of [the] Interior who have worked really hard to keep the lines of communication open and keep moving forward despite the unexpected turns this year has taken. So thanks again to everyone who serves on the Task Force and thanks to all of you on the phone for your presence today for this virtual consultation. You have the commitment of the White House that we will continue to drive forward alongside our agency partners to make a difference on this issue, informed by what we

hear from you today. I am looking forward to hearing your input and grateful for your time and for sharing with us. Back over to you, Jessica.

JESSICA HART: Thanks so much, Jennie. And thank you for being with us here today and giving everyone the chance to be heard and listening to everyone. And we are so glad that the White House has made this Task Force and the issues we are going to address today such a priority. The Task Force, I think as you all know, must consult with Tribes on the scope and nature of the issues regarding Missing or Murdered American Indians and Alaska Natives.

As Jennie said, we had a series of in-person consultations and listening sessions set for kind of February through July all across the country. We were able to host five in-person listening sessions back in February and early March, before the current health crisis began. And we then held an additional four virtual listening sessions at the end of May, beginning of June. Given the current situation, we are holding all of our Tribal consultations virtually and we have 12 consultations over about a one-month period, all organized by BIA region. The "Dear Tribal [Leader]" letter and framing paper were distributed July 17 and again August 11. In addition, the series of virtual converse--consultations was widely publicized across the country.

And kind of getting into what we are going to discuss today, so the main pieces are the consultation questions are organized across four areas to encourage our discussion about the issues in your communities. So our four main kind of broad topics, the first, 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, what specific recommendations do you have to address or curtail the incident of missing persons or murder cases within the American Indian and Alaska Native communities. So now I would like to turn it back over to Leidos to start in calling our speakers. And again, I just want to thank you all for being here. We are very appreciative and excited to hear from you today.

MARY JO GIOVACCHINI: Thank you. The first individual would be Governor Chavarria. Please go ahead and state your name. We will unmute your line. You can state your name and your Tribal affiliation.

MICHAEL CHAVARRIA: Okay. Well, I guess that would be good morning New Mexico time. My name is Michael Chavarria, and I serve as a governor for Santa Clara Pueblo here in New Mexico, to include serving as the Chairman for the All Pueblo Council of Governors in New Mexico, which is a consortium of the 19 Pueblos in New Mexico to include the Pueblo of Ysleta del Sur down in Texas. For today's session, I want to be

speaking as Governor for Santa Clara. So I do see Honorable Trent Shores on the call as well. Trent, hopefully things are going good. I know we had established a good relationship with our U.S. Attorney in New Mexico District, John Anderson and Trent, as I was invited to speak at United Nations session on the Missing and Murdered Indigenous Women, I think last year or two years ago. So this is very important and a critical topic of concern as identified in the overview.

So again, I would just like to thank you for the opportunity to discuss and be invited to join the session today. Santa Clara Pueblo does recognize the importance of the President's initiative. When there is a person missing from the community, Santa Clara Pueblo, you know, our Governor's office, and law enforcement immediately responds. When there is a person murdered in the community, again, Santa Clara Pueblo through law enforcement or Tribal court system, the Governor's office in relationship to the U.S. Attorney's Office and the FBI, respond to that crisis as well. Response could be strengthened through access to federal crime databases. We could exchange information and notify all jurisdiction missing person and gather relevant information quickly. So this goes to urging expansions of Tribal Access Program, the TAP, and providing the computer hardware and software to access the federal criminal database. And so for Santa Clara, we are requesting such that type of hardware to be provided to Santa Clara as soon as possible.

Santa Clara Pueblo has been proactive in addressing this problem. What is important though is criminal jurisdiction over the perpetrator, no matter what their citizenship, again that is very essential. Santa Clara Pueblo has strong relationships as mentioned with the U.S. Attorney's Office, through constant communication. This relationship allows us to call in the federal protection of our people. Santa Clara recommends the strengthening of the federal special law enforcement commissioning program, which allows Pueblo law enforcement to enforce all laws involving Pueblo victims.

So Santa Clara Pueblo is a self-governance Tribe, meaning that we assume the program services functions, activities from the Southwest Regional--BIA Regional office. So self-governancy assumes those roles and responsibilities as it pertains to law enforcement. Santa Clara Pueblo recommends the re-authorization of the Violence Against Women's Act (VAWA), which allows for the protection of women when the individual is non-Native. In this connection, Santa Clara Pueblo, with the help of the Department of Justice, Department of [the] Interior, is the first Tribe in New Mexico to implement Violence Against Women Act, and so I believe our new code was sent to the NARF (Native American Rights Fund) and then published, so that is very important. Again, it goes back to having that criminal jurisdiction in this case when our women, our

mom, grandma, sister, aunt, children, which also includes the males that are hurt at this time which is very unfortunate.

I know there are many other questions that have been identified in the documents such as the scope, the challenges, the solutions, resources, and recommendations. I wanted to work with my chief of police, our Tribal sheriff, our chief judge, and other advocates to then help us fully answer these questions. So hopefully, in the next couple of weeks, I am not too sure how long the--how the opportunity will be opened to submit the testimony. We will get that to you as soon as possible to get a response to the other Task Force questions that have been posed at this time. And like I say, it is unfortunate this is occurring. Nobody is perfect.

We have to fully understand, to respect the rights of the sovereign nations, engage in--engage in the government-to-government relationship with the federal government, which is not based upon race, but the political status of us as sovereign political governments, and that trust responsibility is very important. I know there are many Pueblos in New Mexico that receive direct services from law enforcement through BIA, some have traditional court systems, some have other type of systems in place and so it is very important, the constant communication, collaboration, with the FBI, with DEA (Drug Enforcement Administration), other folks in the U.S. Attorney's Office, and others is very essential because we cannot do this ourselves.

We are all limited capacity-wise, capability-wise, but having that respect in leveraging these resources is very important moving forward, especially around this very important objective that is at hand, and so constant communication is very critical. I appreciate the U.S. Attorney here in New Mexico identifying an individual that would take on this position of Missing and Murdered Indigenous women, I believe, for a year. So it is important that we continue to advocate Congress for additional appropriations to help move, again, the possible solutions, challenges, recommendations for it. And I stand for any questions at this time. Thank you for the opportunity to join this call this morning.

MARY JO GIOVACCHINI: Thank you so much. There are two other individuals, Tribal leaders, that have signed up to offer testimony. We are unable to identify them so give us a moment and we are going to unmute a couple lines and then I will call your name. If you are on the line then you can be able to speak. And that is Tammy Sagataw, if you are on the line, your line is open and you may begin offering testimony. Please restate your name as well as your Tribal affiliation. The next individual is Shawn Duran. Shawn, if you are on the call, we have unmuted your line. Please state your name and your Tribal affiliation and you can begin offering testimony.

MARY JO GIOVACCHINI: Okay. At this time, we are going to go move on. Our next speaker is going to be Gina Lopez. Gina, if you give us a moment, we will unmute your line. And then please state your name as well as your Tribal affiliation. Your testimony will be limited, as I mentioned in the beginning, to seven minutes.

GINA LOPEZ: ...Evan George Wells Jr., the granddaughter of Evalina Lopez and Jacob Lopez, Sarah Jacket Laner, and George Wells. The impact of missing and murdered has affected me personally. Specifically, my father--my father's father, who he never met because he was shot and killed in the town bordering our community shortly after my father was born. I want to start out speaking on sovereignty. Sovereignty is so powerful and important, cannot be both protected and feared by its own people. Sovereignty has allowed the most atrocious of actions, that is where there are harmed Tribal communities, specifically women and children. Sovereignty protects dangerous relatives who inflict pain and suffering. Sovereignty is also how we remain and is also how we continue to divide. If you come from fortunate circumstances, you understand the significance. A lot of us do not--can only experience sovereignty in those terms. Sovereignty allows and protects our leaders when they decide to look away, like the criminal justice system that proves over and over from the distortion of our history books to a missing person report made today, they can choose when and where we exist.

As a member and resident of my homeland, I can speak to these experiences. Our relatives that have struggled with substance abuse and addiction, homelessness, LGBTQ, Two Spirit, our youth runaways, are those who are on the outer scope of Tribal systems and departments and continue to be those who face vulnerability and are also missing when those Tribal resources and departments set up their programming. Much of that programming is also grant-funding dependent. That greatly impacts the consistency of important resources like victim programs.

VAWA needs to be reauthorized so that these efforts are strengthened and that Tribal programs can continue their work in their own communities, giving familiarity to survivors and families. Resorting to off-reservation resources only mounts barriers and puts upon Natives to also overcome border town racism, and discrimination and violence in those services. That has become more highlighted in the time of this pandemic. Native families seeking safety were turned away in border towns solely based upon their identity. And the assumption and fear that because of their Tribal affiliations, they must be coming from COVID-19 hotspots when they were residents of those border towns the entire time. The historical ignorance of Native American communities also heightens their vulnerability and, again, allows us to be ignored, and that ignorance is excused when fear is a factor.

We are starting our own Tribal charter school here in our community because educational institutions have been proven to create labelling of our children when they exhibit important unmet needs. These labels begin the cycle into incarceration, diminish the credibility of our children, and place them into further vulnerability. Funding to Tribes from the federal level needs to continue and remain consistent so that way--that we may be the authors of our survival, of our resiliency, of our justice, and our strategy to combat the oppressive issues that are encoded in our country and in our Tribal communities.

Funding and support will give us the resources we need to educate our own communities about oppression rooted in sexual violence, educate our leaders to change how our sovereignty could empower us, and plant the seeds to inspire more voices from our children so that we can nurture healthier family dynamics, so our elders can share their wisdom, having done their own work to understand the patriarchy that manifests within them. Whether we receive the funding and support we greatly need, Natives have always been resilient. Through all of the efforts, deny our existence, we remain. The families and grassroots organizations that have stepped up to confront the issues of (MMIW) [Missing and Murdered Indigenous Women] are a testament to that resiliency. Those are the experts and leaders who should be informing the formation of the work in MMIW. In closing I'm calling for justice for Elijah McClain, Marilyn Cazares, George Floyd, Cornelius Fredericks, Breonna Taylor, Ahmaud Arbery, Jacob Blake, and all black indigenous and Latinx victims of police violence and hate violence. This concludes my testimony [SPEAKING IN NATIVE LANGUAGE].

MARY JO GIOVACCHINI: Thank you. Our next speaker is Jolene Holgate. Jolene, we will unmute your line. Give us a second to do that. Once you are unmuted, you can go ahead and begin offering your testimony. Jolene, you are unmuted. Please state your name and your Tribal affiliation.

JOLENE HOLGATE: [SPEAKING IN NATIVE LANGUAGE]. Good morning. My name is Jolene Holgate and I am from the Navajo Nation. From my Navajo relatives who are on the line [SPEAKING IN NATIVE LANGUAGE] and I currently reside within the Four Sacred Mountains of--within Arizona in the community of Flagstaff. I also wanted to acknowledge just the time and support that this Task Force is investing into hearing our stories and to hearing from the communities who are affected by the missing and murdered crisis, and I hope that we come together with open minds and open hearts, and really start to consider all these conversations that we are having.

Just a couple of areas that I wanted to touch on in regards to what we are facing in the area of Navajo and I actually registered for this when I realized that the Navajo Region was added, so I will try to keep my comments as brief as possible to allow space for others who will be providing testimony.

Just a couple of challenges that we have faced during--especially right now during the COVID-19 pandemic, is the issue with data collection and case reporting. I would like to recommend that this Task Force implement mandates in terms of case reporting, such as the NCIC [National Crime Information Center], as well as the NamUs [National Missing and Unidentified Persons System]. We are not quite sure if that is a training issue, but wanted to give one case for example. There was a relative who went missing this summer during the COVID-19 pandemic. So in addition to curfews and things like that, we--the family who had submitted that case and reported it thought that they had been in the system. And as you know, the Navajo Nation has a checkerboard area with different jurisdictions that intersect with one another. And law enforcement on--law enforcement failed to enter that case into NCIC. If that relative could have been recovered sooner, if another law enforcement agency so happened to come upon that individual, they would have no way of knowing. They would not be able to have access to that because that was not reported.

I would also offer the recommendation to include mandating case reporting into the database of NamUs. NamUs has been incredibly crucial in helping with cold cases, as well as our sister organization and I am sorry I forgot to mention this, but I am with the Missing & Murdered Diné Relatives. We are a community-based group out within the Four Sacred Mountains of the Navajo Nation and we work closely with our sister organization, the Navajo Nation Missing Persons Updates. And we work together to do our best to recover relatives as well as offer support to families in any way that we can.

Another area that I wanted to touch on as well relating to the COVID-19 issue is the search and rescue support. With, of course, the threat of the virus in addition to trying to search and rescue, a lot of the times the families are placed in a space of feeling hopeless, of not getting that 100 percent support that they should be getting from law enforcement and emergency management. So, those are just a couple of challenges.

There is a lot more that I wanted to touch on but I will definitely save that for the consultation with Navajo. Again, thank you for providing the space and allowing us to speak. At the same time, I would also like to say and acknowledge that without the Black Lives Matter movement, no lives matter, and we need to acknowledge that. If we are going to take a holistic approach to this, there definitely needs to be changes within our system that supports people of color. And this Task Force could be that first step but

I would also like to offer that. Yeah, just to offer that support, so thank you. [SPEAKING IN NATIVE LANGUAGE]

MARY JO GIOVACCHINI: Thank you so much. Our next speaker is going to be Frank-- Judge Frank Demolli. Judge Demolli, we will mute your line. Give us one second. Okay. You are unmuted. Please just state your name and your Tribal affiliation. Judge Demolli, your line is unmuted. You may go ahead and begin your testimony. Judge Demolli, it is-- perhaps you have muted your telephone. If you muted your telephone, please unmute that and then you can go ahead and begin testimony. All right. Judge Demolli, we are going to go ahead and move on and see if any of our other speakers are on the line and we will come back to you. So at this time, there are several other speakers that we are unable to identify based on the attendee list. So we are going to go ahead and go through and unmute some of these call-in number lines. It will give us--please give us a moment. It is going to take a little while to do that and then I will begin calling your names again. If you hear your name, please state it again and state your Tribal affiliation and then you can go ahead and begin offering your testimony. We have one more line to unmute. Okay. We are ready.

So Tammy Sagataw, if you are on the line, please state your name and Tribal affiliation and begin your testimony. Tammy Sagataw. All right. Shawn Duran. Shawn Duran? Meskee Yatsayte. Meskee Yatsayte. Beata Tsosie. Beata Tsosie? Nicole Miera. Nicole Miera? All right. At this time, we are going to mute the lines again. Judge Demolli, we are going to now unmute you again and give us one second to do that. Okay, Judge Demolli, your line is unmuted. You may go ahead and state your name and Tribal affiliation and begin your testimony. If you have muted your telephone or your computer speaker, you can go ahead and unmute it. We are open on our end and you can begin speaking. All right. Judge Demolli, if you are having technical difficulties, you may go ahead and register for the September 17 consultation. A link is on the Operation Lady Justice website and we would be glad to take your testimony at that time. If you are having technical difficulties right now, we can work with you between now and the 17th and try to determine what the problem was. At this time, that would be all the identified speakers that we have on the line.

JESSICA HART: Great. Well, thank you so much. I think--do we want to go to the last slide?

MARY JO GIOVACCHINI: I apologize. I just looked in the Q&A and I do see that Beata Tsosie said she is on the line, but she said that we could not hear her when we called her name. So if I may, I would like to try to unmute the lines again and give her the opportunity to speak.

JESSICA HART: That would be great. Yeah.

MARY JO GIOVACCHINI: Sorry about that. So Beata, if you please just give us a moment to unmute some of the lines. There are several here and we will hopefully be able to hear you.

BEATA TSOSIE: Hello, can you hear me?

MARY JO GIOVACCHINI: Is this you, Beata?

BEATA TSOSIE: This is Beata Tsosie.

MARY JO GIOVACCHINI: Wonderful. Thank you very much. Go ahead and state your Tribal affiliation and you can go ahead and begin your testimony.

BEATA TSOSIE: Okay. Thank you. My name is Beata Tsosie. I am from Santa Clara Pueblo in New Mexico. And I am also a Pueblo representative on the New Mexico Governor's Task Force for MMIW. And I will be here speaking on--as a representative of that task force. And we have been having some meetings since last fall as part of that task force. And it has been--I guess what I would like to talk about with this group for federal recommendations is that it is--there is a need for federal legislation to be able to document demographics when it comes to collecting data on the national missing persons database. There is no mechanism right now for tracking if missing persons are from a reservation or from a Tribal community or even a detribalized indigenous person because of different reasons that that could happen.

And so it feels like a really simple thing that could be done that could start to improve data collection and gathering on a federal level as far as where these missing persons are taking place. And I would really hope that members of this community could work to get that legislation enacted, whatever that looks like working with state and federal agencies around that database.

And also, you know, there is a lot of issues with resources in need of communities as far as prevention services when it comes to reservations, having the capacity and sovereignty to be able to have resources, to have their own crisis shelters, to have their own domestic violence shelters, shelters for people who are houseless or homeless or runaway situations for young people. You know, these are all services that the majority have to go to off Tribal communities. And there is no reason that we should not have these services within reservations including, you know, healthcare, including crisis

response. Even just, like, treatment for addiction and healing services. All of these things intersect with this issue in the way that the most vulnerable in our communities are at risk for becoming Missing and Murdered Indigenous relatives.

So I guess that is all I wanted to speak on today is what is it going to take to--just because that to track demographically--going back to my original comment around if a missing person is indigenous, what is it going to take to have that piece of legislation because from my understanding, it would take an act of Congress to make it happen. But it feels like really an important barrier that we need to--that would be very doable for immediate. So that is what I have to say this morning. Thank you.

MARY JO GIOVACCHINI: Thank you so very much. Thank you. I apologize. That would be our last speaker that has logged into the consultation.

JESSICA HART: Great. Thank you. As you can see on the screen, Operation Lady Justice has a website and an email address, so it is listed here. If you wish to receive updates from Operation Lady Justice, please subscribe to the website. And we are also taking written comments for those of you that could not speak or would still like to speak or if you know others that would like to comment. We are accepting those written comments through September 30 and it can be sent to the Operation Lady Justice website. And with that, I would like to just wrap up the consultation. Thank you so much to everyone who participated today. I especially want to thank those who shared personal stories. The Task Force really greatly appreciates the time everyone took to be here today and share the invaluable perspectives and recommendations. So, thank you again and have a good rest of your afternoon.