

Operation Lady Justice Virtual Tribal Consultation, Bureau of Indian Affairs Western and Navajo Regions, September 2, 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 BIA Western and Navajo Regions. We really appreciate those of you who have joined early. We will start the consultation at approximately 1:35 to allow time for those that registered to offer testimony and provide them time to join. We thank you for your patience and we will be back with you in about five minutes.

Welcome to the Presidential Task Force on Missing and Murdered American Indians and Alaska Natives Virtual Tribal Consultation for the BIA Western and Navajo Regions. I am with Leidos, contract support for the Task Force in these consultations. We are very pleased that you are joining us today. And before we begin, there are a few things we would like to go over so that you know how to participate. All attendees are muted upon entry into the event. If you are planning to offer oral testimony, we ask that you be sure that you have done the following things. You should access the meeting via WebEx, which means that you will need to use a computer or a mobile device to do so. When entering the meeting and prompted, please enter your name identical to the way it was entered when you registered. You have an option to listen to the audio via two methods. You may have WebEx call you or you may call using a telephone. Please note that if you do call using a telephone, you must enter your attendee ID number and that number will show along with the event number when you enter WebEx. When it is time to offer testimony, we will call upon you and we will unmute your lines. I will let you know and give you a heads up when the--a line has been unmuted and then you can go ahead and restate your name as well as your Tribal affiliation.

Additionally, there are a few features that I want to point out within the interface that you can use throughout today. There are several buttons that appear if you hover over the bottom center portion of your screen. There is one that has three dots. And if you click on that, there are a couple options that appear including a Media Viewer. And then there is a button that looks like a conversation bubble. And that is where the chat feature is located. We are live-captioning this event for individuals that are deaf or hard of hearing. If they need to use this feature, please click on the Media Viewer and log in. If you are calling using a--your computer and you are having a difficult time hearing, please click on Communicate, 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, please select the option to call into the meeting using a telephone and you--again, you can find that information in your meeting invite. During today's event, if you have a need for technical assistance, please submit your matter to--using the Chat Box and you may send it to the host of today's event. As a reminder, everybody's phone lines will be muted. At this time, I would like to turn the consultation over to Katie Sullivan, 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. And Katie will begin today's consultation.

KATIE SULLIVAN: Good afternoon, everyone. It is one of the greatest privileges and one of the things that I am most passionate about and that is serving as a Co-Chair and Attorney General Bill Barr's designee on this Task Force with my friend and colleague, Assistant Secretary Tara Sweeney. She is the Assistant Secretary for Indian Affairs at the Department of [the] Interior. Secretary David Bernhardt has-- had asked her to be his designee, so this has been just a wonderful opportunity and work that I am so appreciative of and enjoy. So what I would like to do before we begin today's consultation is just take a moment for a silent and personal prayer, and just hope that we can all learn from each other in this government-to-government consultation, bring light to us and some information to us that is needed, and that we are able to fulfill our trust responsibility to you. Thank you.

Besides my--besides the Co-Chair, my Co-Chair, Assistant Secretary Sweeney, we have representation on the consultation today from all the agencies who make up the Task Force that include the Department of [the] Interior, the Office of Justice Programs, the FBI, the Office on Violence Against Women, the Bureau of Indian Affairs Office of Justice Services, and the Attorney General's Native American Issues Subcommittee, as well as the Department of Health and Human Services Administration for Native Americans. We are also very honored and fortunate to have representation from the White House through the Domestic Policy Council and the Office of Intergovernmental Affairs. It is my great pleasure to introduce Doug Hoelscher from the White House Office of Intergovernmental Affairs to address everyone today from the White House. Doug?

DOUG HOELSCHER: Well, thank you very much, Katie and Tara, and the entire Task Force for the work that you are doing. But really thank you for your commitment to listen and learn, and have these consultations and before this listening sessions. And so I think that is really important and I know I have learned a lot along the way as have each of you. For most of the afternoon, the floor will be yours, the participants on the call. Again, we are here to listen and learn and hear your perspectives speaking on behalf of your personal stories and communities. We will take these experiences that we hear 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 going to offer just a bit of context. Some background for what came before the series of virtual consultations. In May of 2019, President Trump was the first president to proclaim Missing and Murdered American Indians and Alaska Natives Awareness Day to help elevate this important issue, and make sure that folks at every level of government and every perspective paid better attention to the issues set. Again, he was the first president to ever do that and did so again this May, saying that ending the violence, and I will quote, "Ending the violence that disproportionately affects American Indian and Alaska Native communities is imperative," unquote. That order gave us, Katie and Tara and the entire team, our marching orders. We on the President's team spent the next few months thinking through and talking with Tribal leaders about how to develop a program of federal government action on this important issue.

Jennie Lichter from the Deputy Director of the Domestic Policy Council and I traveled with members of the Task Force to Alaska last summer to learn and gain perspective on this issue set in the Alaska context. But also there were several other listening sessions in other parts of the nation. And last fall, and just before Thanksgiving, the President hosted an Oval Office signing ceremony for an Executive Order establishing Operation Lady Justice, and it 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. Again, that is composed of a variety of agencies across the federal family, including the Department of Justice, the Health and Human Services team, and the Department of [the] Interior, and many subcomponents of those agencies. This session today is a part of the implementation program for that order.

The President and his team are committed to following up on that Executive Order with real action and concrete progress. And you have seen some of that over the last year. You saw recently the announcement of several Operation Lady Justice offices around the country to focus on better coordination, and also on cold cases. You also saw that through resources from the Department of Justice to, again, start tackling this issue on some of the things we heard consensus on. And so that is exciting that we are not only listening to you but we are already moving out in the areas of consensus to make progress on this long entrenched issue that was overlooked by administrations of both parties.

We so wish that we could be with you to discuss this sometimes difficult topic in person, but we will continue to leverage technology as we work through a time of COVID to gain your perspective. And I know there were some in-person listening sessions before COVID-19 hit as well. We are grateful to our partners at the Department of Justice, Department of [the] Interior, and other agencies who have worked really hard to keep the open lines of communication and keep moving forward despite unexpected turns that the year has presented. And again, we are grateful for your presence today for this virtual consultation. 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 informed by what we hear from you today. Thank you for your passion and your time and perspective and I look forward to your comments. Thanks, Katie.

KATIE SULLIVAN: Thank you so much, Doug. And we so appreciate the interagency collaboration with the White House on this extremely important issue. And I can say that there are several offices at the White House where this is a personal passion and most definitely a priority. So thank you very much. And, you know, in the President's Executive Order, the--it indicates that the Task Force must consult with Tribes on the scope and nature of the issues regarding Missing or Murdered American Indians and Alaska Natives. We--as Doug alluded to, we did have a series of in-person consultations and listening sessions set for February to July, all across the country. We hosted five in-person listening sessions in February and early March, and then the health crisis hit and we were unable to continue to travel. We had--held an additional four virtual listening sessions at the end of May and beginning of June.

And after a tremendous amount of deliberation and reach out to states and tribes, we did decide ultimately to hold these 12 virtual Tribal consultations in the next--over the next month. They are each organized by Bureau of Indian Affairs Region. The Dear Tribal Leader letter and framing paper were distributed on July 17 and again on July [August] 11. In addition, this series of virtual consultations have been widely publicized across the country. The consultation questions are organized, as you can see on your screen, across four areas, to encourage discussion about issues in your communities. What is the scope of the--of the two problems of missing or murdered, the challenges that 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 person or murdered cases within American Indian and Alaska Natives communities. We look forward to hearing from you today. I am now going to turn it over to Leidos, our contractor, to start calling on the registered speakers for today's consultation. Thank you.

MARY JO GIOVACCHINI: Thank you, Katie. Our first individual that is to speak is Delegate and Chairwoman, Amber Crotty. Amber, your line will be unmuted. If you can please state your name as well as your Tribal affiliation, you can begin your oral testimony.

AMBER CROTTY: Hi. Yes. Are you able to hear me?

MARY JO GIOVACCHINI: Yes, we are.

AMBER CROTTY: Oh, perfect. Thank you. Yeah. So [SPEAKING IN NATIVE LANGUAGE] I am a Navajo Nation Council Delegate. I want to thank Operation Lady Justice and our federal partners for being on the line and providing an opportunity for the Navajo Nation and her people to provide insight on what is happening here on the ground, the challenges that we face with our government-to-government relationship with our federal partners, state partners, and the role that we play in providing support and wraparound services to our Navajo people, and all of our relations as our Navajos have intermarried and our babies and our children are interconnected across Navajo Nation and the world.

So some background is the Navajo Nation is the largest land-based Native nation on the--in the United States. It spans over 27,000 square miles with--across three states, Arizona, New Mexico, and Utah, with an enrolled citizenship of over 350,000. The Nation is comprised of 110 chapters, also known as communities or local governments within the Navajo Nation. In New Mexico, there are Tribal citizens residing in dependent Navajo communities, allotments, and border towns. Today, the Nation suffers from unemployment rates of about 55.9% and the medium annual household income is approximately 27,389. Across the Navajo Nation, 61% of homes—it is actually 30% of homes do not have electricity, 22% of households do not have telephones, and only 15% of households have computers. Further complicating access to victim services, some rural residents lack access to a vehicle and the closest

available victim services are generally hours away. Annual reporting to the FBI indicates violent crime rates have fallen by 48% over the past 25 years. And this same data indicates that violent crime is on the rise on Navajo Nation.

What I want to do is then move on to the scope. On Navajo Nation, we have developed a community response to our Missing & Murdered Diné Relatives. It is a group that was established in March of 2019 and comprised of subject matter experts from an array of Navajo programs, colleges, local sexual assault and domestic violence coalitions, community advocates, and Navajo citizens. This dynamic community-based team is tasked with developing a framework for proposed--for a proposed data institute, increased sustainability to support Missing & Murdered Diné Relatives families, and to create a missing person's community action toolkit to empower Navajo communities to be proactive in prevention, awareness, and mobilization to recover our missing relatives. In addition, the Missing & Murdered Diné Relatives Working Group has also focused its efforts to highlight justice for Missing & Murdered Diné Relative families, and to foster healing throughout the Navajo Nation. This work is in conjunction with the all-volunteer group, Navajo Missing Persons. And we appreciate the work of Meskee Yatsayte and her team.

The working group operates as a grassroots, volunteer-based, zero-funded organization that draws its strength from the Missing & Murdered Diné Relative families, community advocates, support from leadership, and a dedicated team with the intent on bringing healing to the communities and protecting our most vulnerable population. In terms of the scope of the issue, nationally MMIW [Missing and Murdered Indigenous Women] movement has gained national attention. But presently, grassroots organizations and nonprofits had begun collecting data to inform the MMIW cases have--and have engaged in community action efforts to bring awareness to the crisis, and work diligently to bring our indigenous relatives home and provide justice to the families who have--who we have lost to violence.

On the Navajo Nation, the Missing & Murdered Diné Relatives work group collaborated with Sovereign Bodies Institute and Navajo Nation Missing Person Updates to obtain some data information that was collected at the community level. According to Sovereign Body Institute's report, 164 missing Navajo person cases had been documented starting from 1951 to 2019. And it was found that 38% of those cases are missing persons and 62% of those cases are murdered cases. To further illustrate where these cases are occurring, 41% occurred on the Navajo Nation, 10% occurred in rural off-reservation areas, 49% occurred in urban communities.

Concurrently, the Navajo Nation Missing Persons Update continues to stay active in collecting data information, specifically on missing Diné relatives, and found that 70% of missing person cases are Navajo males and 30% are Navajo females, identified as Navajo males and identified as Navajo females. The number of cases can fluctuate each day, week, month, or year, because it is dependent on new missing person cases and on closed missing person cases. The missing person cases that Navajo--I'm sorry, that Navajo Nation Missing Person Updates receives are regularly updated and their volunteer

advocates work directly with the families to locate missing relatives. In addition, Navajo Nation Missing Person Updates works with the Navajo Nation Police Department and Criminal Investigations to enter missing person cases into the National Crime Information Center and the--and the National Missing and Unidentified Missing Person Systems. Sovereign Body Institutes also indicated that the average age of a Navajo missing person is 31. And 22% of the cases reported involve young girls under the age of 18.

This is important that we pause at this--at this data because in readings, Operation Justice, your document that was posted online, there was a statement made that a missing person is not a crime. And we strongly believe, as a Navajo Nation, and anyone who advocates for Indian children, that a missing child, that is--there is a--there is an inherent criminal activity involved when we have one of our young ones that is not accounted for. And so we would like to push back on that assertion as we look at what is happening to our missing juveniles, and the delay in terms of the--of law enforcement looking for those individuals.

And so as I move forward, approximately 32% of the cases involve domestic violence, and 4% involve sexual assault. Although there is little to no data reporting regarding our LGBTQI-2S, and Unsheltered Relatives, both organizations continue to monitor and collect information on the Navajo Nation and surrounding border towns. We are finding out more data by talking to our urban Indian centers, particularly in Albuquerque, where they just launched a human trafficking component. And we are hearing from our relatives in the urban areas in terms of their experience, in terms of how they have been trafficked, and at what point were they one-time reported missing. And this is on the ground data collection that we are--we are doing and funding ourselves. Additionally, according to the Navajo Nation Police Department, in 2018 there were 32 missing persons cases with no foul play indicated, one missing person case where foul play was indicated, and 106 in quote "juvenile runaways" reported.

We have asked for 2019 data, and we would need some time to provide that report as we all know how COVID has devastated our communities, and unfortunately our crime statistician, we lost her recently to the virus, and so we are just trying to get our bearings back and provide the data for 2019, so we will keep her family in our prayers. The--so that--this is a combined total of nearly 140 missing persons reported. However, the information is only for call for services, and does not indicate which reports transitioned into actual investigation cases. It was also reported that in 2018, there were 32 homicides across the Navajo Nation. And so our goal is to create community action. Rather than labelling missing and murdered Diné relatives as an epidemic, we recognize that this issue is an ongoing crisis with historical roots dating back to the initial colonization of the American--what we now consider the American Southwest.

Through the generous support of the Navajo Nation Council and the Office of the Speaker, the Missing & Murdered Diné Relatives working group was able to hold four community forums that focused on engaging with Navajo citizens directly, and gain their feedback and recommendations. These forums were held in Shiprock, New Mexico; Flagstaff, Arizona; Gallup, New Mexico; and Tuba City, Arizona. The

next scheduled forum was to take place in Blanding, Utah. But because of the pandemic, we have cancelled that event and are scheduling a virtual town hall. So the--pardon me. So the outcome of the community forums led the Missing & Murdered Diné Relatives work group to develop an overall strategic plan to begin mobilizing and seeking pathways to support Navajo families. The group is divided into five action teams. And if I may, the missing and murdered data institute, to understand the full scope of the missing and murdered crisis on Navajo Nation, and focus on the social issues that intersect with Missing & Murdered Diné Relatives. For example crimes, economic challenges, social services, public health. The proposed data institute is envisioned as the data clearinghouse and research center where datasets from various Tribal agencies would be essentially held and protected by the control access measures authorized by the Navajo Nation.

We also looked at sustainability to look at grant opportunities and create inventory of available resources to identify resource gaps in direct services to the Missing & Murdered Diné Relatives families. We are looking to develop a nonprofit to establish roots to continue supporting Missing & Murdered Diné Relatives families and communities to elevate their voice, and to mobilize our communities to have an awareness campaign of healing together, looking and finalizing the community action toolkit, organizing events, and promoting the voice of the Missing & Murdered Diné Relatives family, developing a website and increase the presence across Navajo Nation, and engaging with our youth.

The fifth area is Navajo leadership support and the Navajo Nation Council in passing position statements on behalf of the Navajo Nation and advocating for our families at federal Tribal consultations. We continue to ask for support of the families. And in our recommendations, we ask to obtain federal funding and support to sustain the Missing & Murdered Diné Relatives database, advocate for capacity building funding for the data institute, support the Violence Against Women Act (VAWA) funding reauthorization, and the support should include Native American community-based data institutions to support Savanna's Act so that a bill does not have to be created to ask the Department of Justice to review, revise, and develop law enforcement and justice protocols to addressing Missing and Murdered Native Americans. But if an act is required, then we ask for the support of Savanna's Act.

And also to support the Not Invisible Act of 2019 to increase intergovernmental coordination to identify and combat violent crimes within Indian lands and of Indians. Again, we support the Act but our goal is to have our federal partners realize that there is a problem and that administratively we can do this intergovernmental coordination. To establish information data-sharing agreements with state and federal partners, increase resources to aid families and survivors of Missing & Murdered Diné Relatives, hire a victim advocate for each of the Navajo Nation police districts, increase resources for domestic violence shelter services, create programming centered on promoting healing within families, increase support for Navajo Nation law enforcement, allocate funding for critical positions, mandate AMBER Alert and National Missing and Unidentified Persons Systems (NamUs) training and trauma-informed police training, and not only training but going back and making sure it is fully implemented. Improve cross-commissioning agreements to include proper clarification of jurisdiction, support, and resources for Navajo citizens, allocate funding to Missing & Murdered Diné Relatives to create programming to

support family for advocates, resources, healing centers, and awareness events. Support the work of community organizations addressing Missing & Murdered Diné Relatives, recognize and acknowledge the grassroots organizations who have been committed to developing solutions, advocating for affected families, and encourage healing throughout the Navajo Nation.

We recognize the Missing & Murdered Diné Relatives, we recognize Navajo Nation Missing Persons Updates, we recognize the New Mexico Indigenous Women's Resource Council, and we recognize MissingFlowers: Missing and Murdered Indigenous Women & Men. That concludes the testimony. We have asked our families to sign up and provide testimony on their families and so I do not want to speak for them. But if they need support, I can get back on the line and provide some of the case studies, in where there have been jurisdictional issues, there has been a lack of services deployed, a lack of community training in which we feel that we can increase the recovery of our missing persons and prevent any of our relatives in the future. Thank you very much.

MARY JO GIOVACCHINI: Thank you for your testimony. The next two speakers, I am not able to identify so we are going to unmute two of the lines that are just callers and to see if they are on those lines. And that would be Chairperson Tamra Borchardt-Slayton. Tamra, if you are on the line, please restate your name and you may begin offering testimony. The next individual would be Judge Lawrence King. Lawrence--Judge King, if you are on the line, you may go ahead and offer your oral testimony. Judge King? Judge King or Tamra, if you are on the line. All right. We are going to move on to the other callers that we have. So, the next individual to offer testimony will be Jolene Holgate. Jolene, give us a moment and we will unmute your line and then I will let you know when that is done and you can begin. Jolene, your line is unmuted. And just as a reminder, please limit testimony to between seven and 10 minutes and then restate your name and your Tribal affiliation.

JOLENE HOLGATE: Hi, can you hear me?

MARY JO GIOVACCHINI: Yes, we can.

JOLENE HOLGATE: Okay. Great. Good morning [SPEAKING IN NATIVE LANGUAGE] Good morning, everyone. My name is Jolene Holgate. I am from a small community in Northern Arizona called Shonto, which is within the Four Sacred Mountains of our beautiful Dinétah. I come to you with a very open heart and open mind and wanted to convey some of the concerns and some of the information that the Missing & Murdered Diné Relatives (MMDR) group has been working on in the last year and a half. I am the Project Manager for the Missing & Murdered Diné Relatives working group. We are a multidisciplinary team taking different approaches to how we can address this crisis on the Navajo Nation.

We recognize that MMDR is a crisis and it is a symptom of systemic barriers that are resulting from the lack of adequate public safety response, insufficient policy development, and unresolved historical and generational trauma. In response, we also recognize that there is a critical need for a data clearinghouse to house information relating to crime, public health, social services, and socioeconomic issues. This database would aid in identifying challenges, engage in strategic planning, and develop data-driven programming to promote awareness, prevention, and healing. These are some of the areas that we highlight because we feel as though if Tribes want to take a very self-determined approach to this, this is one way that we have been definitely looking into and we do need the support from our federal partners to provide those resources and tools to Tribal communities. In addition to that, I would also recommend that the Task Force and our federal partners also look into providing resources to help Tribes establish their missing persons units, as well as hiring those additional investigators to start looking into those cases.

As Shiadi, my older sister, Council Delegate Amber Crotty mentioned earlier, and within your framing paper, it was stated that most reported missing persons return home are located. Becoming a missing person is not a crime. I believe that is true to an extent. However, I believe there are a lot of resources that are heavily being put towards law enforcement when they should be redirected to programs, such as trauma-informed services, wraparound services for the families, victim advocacy to aid families through that process. And also to increase that level of transparency and communication between the families and the different agencies that are working with them.

One common thread that we have experienced is, you know, when are they going to come back to me about this--about my relative's case? They tell me the same thing over and over again. And what I just want to remind, you know, our federal partners as well as those on the call is at times, families feel like they are being told that they are being--that they are pestering or that they are, you know, being very--too engaging, I guess. But what I want to remind you all is that this is their reality and this is what they are feeling. When they bring their stories forward or when they are working with your federal agencies, it is important to have that trauma-informed component. That is not only to reassure the families but also that you are being intentional and taking very good care of the cases. So--and I think with all of us understanding that we have to be good relatives with one another, that definitely is the spirit we should operate from.

In terms of inclusivity, I would definitely like to see more areas highlighted and addressed. Although we understand that the dynamics of missing persons is, you know, the high majority of those missing persons cases are our male relatives. But we also need to be inclusive of our LGBTQ, our trans and Two-Spirit relatives, as well as our unsheltered folks. I think those are vulnerable populations that definitely get lost in the shuffle. But there is just so much information that we would be able to pull if we also shed light on those areas as well.

Accountability to families, what does justice look like for them and how can we give that to them? After sharing their stories today, what are those next steps? What will be the outreach and communication back to them where they know that something is going to take place, that something is going to be done? How will that be illustrated and how will that be communicated? And I say that because I spent a good hour and a half with a family yesterday who desperately wanted to provide their testimony on their phone but there was lack of telecommunication. They did not have access to internet, they did not even have access to transportation. So, what I did is I transcribed as much as I could, and also the language barrier, they mostly spoke Navajo. So, with my limited capabilities and translating as much as they could and taking it upon myself, our organization taking it upon ourselves to get those stories and get them to you. I want to highlight that, that that is what we are up against, that is a challenge that we have on Navajo is the lack of access to telecommunication, transportation, as well as the jurisdictional issues.

A question that I would also like to pose is what is the overall plan and objective over the cold case offices, as well as how are they working with our Missing and Murdered Indigenous persons (MMIP) coordinators? What I found really positive was that the MMIP coordinators for Arizona and New Mexico reached out directly to MMDR to ask how they could support and how we could work together. And I think that is like a very, very positive step in terms of what our federal partners are engaging in to make sure that we are included in these conversations. However, what was concerning was when we had asked what the connection was between MMIP coordinators, the cold case offices, as well as the Task Force here, we did not receive a clear answer. If there is a way you would be able to illustrate to--that to everyone in a better way and help us understand what that looks like and how we can work with all three entities, that would be great.

And then the other part is just accessibility to your services. How are you doing that outreach to families and making them aware that there are these services that are available to them and that sort of thing. And then just a couple of other points that I mentioned before is the search and rescue challenges that we have encountered during COVID-19, how will trauma-informed training be included at all levels, including the wraparound services for families? So, those are just a couple of points that I wanted to bring up and thank you for providing me the time to provide some of these concerns that we have received from the community, and we look forward to hearing what your answers are. Thank you.

MARY JO GIOVACCHINI: Thank you, Jolene. Our next speaker is Sonya Begay. Sonya, give us a moment, we will unmute your line. I will let you know when that is done. Please restate your name as well as your Tribal affiliation. Sonya, your line is unmuted, you may begin.

SONYA BEGAY: Yes, good afternoon, can you hear me clearly?

MARY JO GIOVACCHINI: Yes, we can.

SONYA BEGAY: Okay. Thank you. My name is Sonya Begay of the Navajo Nation. My parents--my dad is from Tuba City, Arizona and my mom is from Rock Point. [SPEAKING IN NATIVE LANGUAGE] My name is Sonya Begay [SPEAKING IN NATIVE LANGUAGE] My name is Sonya Begay once again, and I am a mother of a murdered child. I want to thank you very much for Operation Lady Justice and other agencies who are present to hear my voice today. I hope through my voice you hear today, it will resonate the importance of why you are all here. But more importantly, your attendance here today shows your concern for our missing and murdered loved ones and relatives who do not have a voice.

My son was Ruben Epele. He was born in Tuba City, Arizona on January 29, 1980. He was murdered on November 26, 2010 in Corinth, Kentucky, at the hands of an ex-felon. My son is buried in Rock Point, Arizona, next to his great grandmother and other relatives. Ruben was a master union millwright who resided and worked in Kentucky. He left behind three children who I am raising. And--so with that said, there are a lot of kids who are being left behind with no parents, no responsible people. And so unfortunately--and that was--it was my turn of life. Today's gathering focuses on the missing and murdered, but we must not forget others, such as my son, who had been victimized by this horrendous crime. Many of our Native people leave their homes on the reservations to gain better employment opportunity or further their education at prominent educational institutions. While many of us gain our dreams of good jobs and/or educational degrees, there are a small percentages who fall into--fall into the fate of being affected by homicide or just become missing. This is an unspeakable category to be placed in. It is not just the victim of the crime that suffers, but the loved ones left behind are just as vulnerable.

It has taken me about a decade to be able to talk--speak about my son and advocate for other families who are going through the same thing. Being a mother of a murdered child puts your life in another category, and it separates you from other families. The moment you receive that phone call from law enforcement telling you what has happened to your loved one, your whole life changes tremendously. We become alienated from family and friends. We suffer unbearable pain, anger, and sorrow with no recourse for assistance from--by resources. Unfortunately, being off the reservation, it brings another act of trauma because you have to go through a different recourse to try to figure out what is going to happen next, how do you get your loved one, because, obviously, they tell you that your loved one's body is not going to be released until the investigation is over. This is a great, great, horrific thing to go through. And then finally you can bring your--my child--like I said, I can bring my child home and have him placed back into the ground.

But, most importantly, if there are children that are left behind, many factors need to be accounted for. The needs of the children, the victims--they just basically--they suffer in silence. They are left with an emptiness. They are left with areas that they do not know what has happened. "How do I get to deal with my father being gone? How do I deal with the sorrow? How do I do things?" Unfortunately, the youngest, which is my youngest granddaughter, she could not resort to anything so she start harming

herself. She start cutting herself. We had to figure out what to do, how to get the resources available to her? But there was none. Unfortunately, we have--well, we have a lot of therapists. We have a lot of people who are looking--as far as helping us, but then, unfortunately, they are not specialized in children of homicide victims or children of missing family members. This has to be addressed. But please remember that there are thousands and thousands of families going through this within Indian Country.

But one of the things, a positive note, that I am left to see the greatness that Ruben's children are doing now. They are attending college. They are making themselves available to other means. And that is too one of the things, that they address missing and murdered now. They say, "Yes, I am a child of a homicide victim." And it takes a long undertaking for them to do this. Like I said, it has taken us 10 years just to go to this point. By knowing this, you see that their father--since he is not here, he sees their momentous life--the momentous events in their life, graduations, weddings, seeing grandchildren being born. This is things that he will miss, but yet he--well, I know some way, he is watching over these children.

One of the things I really--I am glad that Delegate Crotty is talking about the things that they are doing on Navajo. But right at this point, it is a great importance to support our families who have been affected by homicide and the families who are still continually searching for their loved ones. It is a great undertaking to not know where your child is or know where your loved one is. And so years and years without knowing is an unspeakable pain that we--that they have to go through. There is a great need to assist these families. Though our lives will never be the same, I am glad a meeting such as this put forward their efforts to support our people who are like myself. The pain and anguish that we endure as members of families of MMNA is something I would not wish on anyone. But I want to thank you very much for myself, Damian, Lea, and Kayle, who are Ruben's children, for this opportunity to hear our words, in Ruben's memory, and other missing and murder victims within Indian Country. Again, thank you very much.

MARY JO GIOVACCHINI: Thank you for your testimony. Our next speaker is going to be Meskee Yatsayte. Meskee, we will unmute your line. I will give you a heads up when that has been done. Please restate your name, as well as your Tribal affiliation. One second. There--your line is now unmuted. You may begin. As a reminder, we ask that testimony be limited between somewhere around seven to 10 minutes. Thank you.

MESKEE YANABAH YATSAYTE: Hello. [SPEAKING IN NATIVE LANGUAGE], everybody. My name is Meskee Yanabah Yatsayte. [SPEAKING IN NATIVE LANGUAGE] I am going to make this very short, as short as possible, so I can give other families time to speak. Some of the points that I wanted to bring up--and I know that my sister, Amber Crotty, and also Jolene Holgate had brought up. I just kind of want to go over a little bit of some of that. Some of the things that I know that we do need to bring to Navajo Nation is--you know, we cannot leave these families unanswered when we take their cases. So this goes

for law enforcement. You know, they are--they have been very bad about not getting back with families and leaving them there just lingering in the wind, and that needs to change.

Also, other things that I would also like to point out is some things that we do need, some--for some of our older cases, some of our missing older cases. We need to do--find age--somebody that can do age progression photos. That is one thing that is very needed for the Navajo Nation. Also, highlighting our cases on these ID channels, investigation channels. You know, we do need to bring a little bit more light to these cases. Although, I know you probably do not have control over that, that is just one recommendation that was brought up by one of the family members. Also, persons of interest such as suspected boyfriends and girlfriends, close relatives, they all need to be reinterviewed. And I know that will come up later. Again, these are some of the things that are brought up by family members that wanted me to mention this.

Another thing is, we also need to have a Missing Persons Day on Navajo. This is going to be--even throughout the Indian Country, we need to encourage these families to come forward and make their report if they have not made reports already, and also give them that chance and encouragement to also give DNA samples so that these can be entered into NamUs. And we also need to highlight our unidentified persons and our unclaimed persons. Those are also in the circle of our missing relatives. So once we can do that, you know, there could be connections. And I would like to just mention that one of our unclaimed relatives had been deceased since January 2019, and I had just come across this person's case in NamUs, so I made a flyer for him. He had been unclaimed in the State of Utah for about a year and a half. And when I made this flyer and I got it posted to our social media site, it took an hour and a half for their--his family to step forward and claim him. So, you know, just simple acts of proactiveness like this can also be able to help close some of these cases. And one thing that we also really, really need is volunteer search and rescue training for families and communities.

Because of the lack of resources and law enforcement that we have on Navajo, most of the time--and I am going to say about 80% of the time, families are the ones that are going to have to be the one to pull together a search and rescue for their loved one. So, whether law enforcement gets involved or not, that is our outcome. That is our reality, that we are the ones that are going to be the advocates and we are the ones that are going to have to be the volunteer search and rescue team for our missing and lost loved ones. So we do need some kind of training, and we need it quick. We need this probably like yesterday because there are so many families that are currently out there searching for their loved one right now as we are all on this call. We also need billboards that are displaying our missing and unsolved murder cases. We need to get that word out, and the bigger, the better.

And the one thing I just want to say is, I want to share my appreciation to everyone that is on this call today and everybody on the panel of our Operation Lady Justice. And please also remember--the stories that you hear today, remember their loved one's names and do not ever forget that, because they are depending on you today to bring the difference in their life, and to make that difference happen, and to

make no more broken promises. I think we are also used to having broken promises given to us. It is time for that change and it is time for that to stop. So, again, thank you everybody for attending the call and listening.

MARY JO GIOVACCHINI: Thank you for your testimony. Our next speaker is going to be Julietta...

TARA SWEENEY: Michelle? Michelle?

MARY JO GIOVACCHINI: Yes?

TARA SWEENEY: Hi. This is Assistant Secretary Sweeney. Just before the next caller, I wanted to address just a couple of points for the last speaker. I just wanted to draw your attention to the Presidential Proclamation, declaring May 5 Missing and Murdered American Indian and Alaska Native Awareness Day. And just in response to the suggestion that you made, I just wanted you to know that the President did declare that day as a day of observance and awareness.

And then there were some questions about the cold case offices, the opening of the cold case offices. So on the line with me is also BIA OJS [Office of Justice Services] Director Charles Addington, who is leading this effort within BIA. But the goal for these cold case offices is partnership, and it is defined in the Executive Order. The Executive Order is Executive Order 13898. 13898. And the cold case office openings are an initiative of Operation Lady Justice as defined in the Executive Order. And the goal of these offices are--there are number of things that these offices are designed to do, and it is to gather intelligence on cold cases, reviewing and prioritizing those cases for assignment to the investigative teams, developing investigative plans to guide those investigators, identifying and coordinating any additional outside resources that can add value to those efforts, assigning and investigating those cases, preparing the report.

In addition to all of that, each office will have protocols and guidelines to follow for analyzing, assigning, and investigating cold--the cold cases it receives. And you will see in the Executive Order that it calls for multijurisdictional cold case teams. And so the partners that are designed to work together with respect to cold cases that have been identified include the BIA Office of Justice Services, the U.S. Department of Justice, community advocates and organizations, local, state, and Tribal law enforcement, and, you know, obviously, other stakeholders who may want to provide additional information to these offices. So I just wanted to answer those questions and--before the end of this consultation. Thank you.

MESKEE YANABAH YATSAYTE: Thank you.

MARY JO GIOVACCHINI: Thank you. So our next speaker is going to be Julietta Faria. And we will unmute your line. Give us one moment to do that. I will let you know when your line is unmuted. You may restate your name, as well as your Tribal affiliation, and begin your testimony. So your line is unmuted. You may start.

JULIETTA FARIA: Hello, everyone. My name is Julietta Faria, the daughter of Cecelia B. Finona who went missing last year, May 31. I am of the Navajo Nation but I am also an urban Native, if you would call me one, if we had to define that. I just wanted to speak to some of the things that pretty much everybody has spoke to. Currently right now my family is very--this case is a little bit dynamic and interesting all on its own. I was in Washington. My mom's case happened in New Mexico. And of course, it happened in the city so it is not really affiliated on Tribal land but she is Navajo. And my brother lives in Arizona. So there is a big difference in our case as far as us trying to get things done. Currently right now, as Meskee had stated previously, that we are the ones on the ground doing the search because we do not have enough people, or I want to say even a task force to help or devote their time to such things. So, yes, we definitely--I would like to advocate for that as well, is that we do need the training for the searching--the search and rescues because that is what we are doing right now.

We have had some assistance the first two weeks of the search, but now it is over a year now, and so it has dwindled down to maybe four of my family members. And our case is very--I do not know what you guys would define as a cold case or--is that the length of time or is it past a certain hour? So I just need a little bit more guidance on that information. And then the other thing is if we are basically establishing these task force, I want to know how to get that information out to the people because, for me, when a missing person such as my mom went missing, we did not know what to do. We did not know what the protocol was. We did not know where to look. We did not know what to start and who to talk to. And I have--I did a previous video, and my video was basically the person that is supposed to help you, you are supposed to call 911, really is not there immediately to help you for these types of cases or these scenarios. They usually say that, you know, an adult has the right to be missing. Yes, they do have the right but if it is out of character, it is definitely different.

So I just wanted to know and make sure that the people that--the people out there who have a missing loved one actually do get like the assistance, the guidance through what stuff they need to go through, whether it is through the legal department or if it is in the search and rescue portion. There is a lot of miscommunications or the lack of communications in between whatever--what steps they need to go through, even with our local department--our police department or law enforcement in our area. It is really difficult for them to tell us what is the next step that we need to do. Usually they just say, "Okay, we will handle the work." But how do we know what exactly is going to happen and what process and--in the court system that we need to be at. I am at year one and I am still lost. I am actually over year one and I am still lost into the court system. Okay, so what is supposed to happen next? How much involvement is the U.S. State Attorney for us? How many times do--does the case have to be presented for them to take notice or to actually take it, or not deny the case? Or how about our district attorney in our own area, where--how--when do they get to step in and what process does that take? Those are the

type of things that I actually have to go through, and it--it is still--we are not gaining any ground here at all. But what I can tell you is that my family definitely needs some type of closure.

And Meskee is very right. She--we need to put something on a higher platform so that we do get the enforcement that we do need for the search itself. Like the search itself is such a big task in its own and hardly anybody wants to do it. My mom is a vet of 31 years of the military and I still cannot even get the VA to help. And if we ever talk about the VA, I mean, a lot of them are a lot older. They are probably in the same age as my mom. They are not able to do as much as others and--in perspective to that. But she has already served her 31 years, and I think that she needs--her case needs to be elevated on such level, such as like the other soldiers that are in active duty who have been found at Fort Hood, or even Vanessa Guillen who got her things elevated to the next level, on a higher platform via social media for anybody to take action.

I do think that there are a lot of good things that are happening as far as the processes go, but there are certain developments happening with certain departments that there is a cold case, that there is these missing persons, things that are happening as far as offices are concerned, but there are just a lot more other things that need to go into that. Like, the development of plans for what does the person do in case somebody is done. Is there any outreach for education for those people? Like, I am still lost, so--and it is already a year a half. But that is pretty much where I am at and our family is at, like I said, there are only four of us still searching, and we pretty much finished the whole corner of New Mexico, and now we have to move on to another state 'cause we have not found anything. But that is pretty much it for me.

MARY JO GIOVACCHINI: Thank you very much for your testimony. The next person to speak would be Christine Benally. Christine, we will unmute your line. I will let you know when that has happened. Please restate your name, as well as your Tribal affiliation. And as a reminder, we ask that you try to please limit your testimony somewhere between seven and 10 minutes. Christine? Oops.

CHRISTINE BENALLY: Can you hear me?

MARY JO GIOVACCHINI: Yes. We can hear you now. Oops. Christine?

CHRISTINE BENALLY: Okay. I am sorry. I am trigger-happy. Can you hear me now?

MARY JO GIOVACCHINI: Yes. We can hear you. You may begin.

CHRISTINE BENALLY: Okay. Okay. I just sent some documents. I have been a member of the Navajo, Apache, Ute, Hopi, Zuni Coalition Against Sexual Assault and Domestic Violence. And I ditto everything that--all the previous speakers have said--have said. So what I just wanted to do is--or, I guess, just get it recorded, is that I had sent some documents that is--a collection of what victims had experienced, and I am not the person to eliminate anybody's experiences, their recommendations or suggestions. So it is all collective. And so it is becoming a larger and larger document. And we have gotten supporting resolutions from several chapters, and all of them Navajo--the five agencies. Sometimes--a couple of the traditional organizations and the Utah Navajo systems.

So I do not want to go into what every--all the speakers have previously said, but one thing I really wanted to stress is, you know, how people are always wanting data but then there is just a lack of data. Even going back to the root that Jolene briefly mentioned, is the trauma that a lot of the people are experiencing and--as far back as historical and what they experienced as children because these are not addressed. And individuals carry this trauma and they are not supported from the justice system, the--even their families, and the police. There is just--there is just no enforcement. And the way the laws are written up are so pro-perpetrator. And even in the recent execution for a person who murdered brutally a couple of Navajo members, there were even people supporting the individual. So there is just really no justice and--for the victims, and there is just consistent blaming.

And I think part of that, from the judicial and law enforcement side, is just the definitions. A person could be--you could--you could know a person--or you could know a--where an individual is but they are still missing from the family because the family has basically deemed that they do not exist because they may be gay or just because they--they are--they do not agree with whatever that person's lifestyle is. Yeah. We do not have the data for adverse childhood experiences but we certainly see the outcome. We see the outcome in poverty and high rates of chronic diseases, obesity, risky behavior, and injuries. And we see that now on how COVID has impacted the Native American communities and communities who are marginalized. We have higher rates because of that lifestyle that the trauma has placed us in. As, you know, more of our people are obese, so they are going to suffer higher rates of severe illness from the COVID or in any other diseases and poverty. So we are in that situation. So if this escalates or--so, anyway, I just hope that the Judicial Department and--takes a--and the Bureau of Indian Affairs really revisits the definition, really revisits how they prosecute these cases, and not just minimize the experiences and the recommendations that the victims are going through. And I have, you know, like I said, emailed these documents, and as we move forward, I am going to continue to update that document and share it.

And I hope that these listening sessions do come out with some sort of action, and that we are just not telling our stories over and over again and just having it, you know, disappear into thin air, because we are experiencing this. We are seeing how it impacts the rest of the family, the community, even our work, and all the productivity that happens there. Even our, you know, ability to educate--academically achieve. We could have all these nurses, doctors, and whatever in the healthcare system if I think that

that trauma in early childhood was addressed. And--so I just want to leave it at that. And thank you for the opportunity to comment, and thank you for all the other speakers that went before me. Thank you.

MARY JO GIOVACCHINI: Thank you for your testimony. Our next speaker is going to be Regina Begay-Roanhorse. Regina, we will unmute your line. At that time, you will please restate your name, as well as your Tribal affiliation. And then you can begin your testimony. Give us one second to get your line unmuted, and I will let you know when that has been done. Regina, your line is unmuted. You may begin your testimony.

REGINA BEGAY-ROANHORSE: Good morning. My name is Regina Begay-Roanhorse, and I am a court administrator. I work for the Navajo Nation Judicial Branch. And I manage two judicial districts, Alamo Judicial District and To'hajiilee Judicial District. They are located in New Mexico, in reservations that are considered satellite band of Navajo communities. I have also worked as a Tribal prosecutor from 1992 to around 2000. I have also worked in New Mexico with different organizations in the mental health and substance abuse field.

So my testimony is concerning the Missing and Murdered Indigenous people that were very close to Albuquerque, New Mexico. And I have had experience with one individual that I feel that right now she--she is very young. She is like under 20. And she is not related to me, but my custodian is the one that alerted me to this individual who found somebody that loved her supposedly on Facebook, social media. And she was planning, and she did plan, and now she is in Florida. So I contacted, went online, and I tried to contact different resources, and found that there is really very little. And so having that on my shoulders as a Navajo, my clans are Red Cheeks, [INDISTINCT], Sleepy-Rock People. I took initiative to speak with the mother and the father and to the individual. She is a young girl. And she is still in Florida. And I feel like that my knowledge of the subject is very limited as a community member.

There needs to be more education, and then there needs to be more information online on what to do in these situations. I worry about her pretty much every day. She is a community member. I wonder what I could have done better as a community person, and I could not. There is this process of trust that these young people go through with these individuals that they find on social media, the internet, which is--you know, can be prevalent into tribal communities. And we need to do something about this trafficking problem or potential problem. I think you call it grooming. I know nothing about the grooming, but I do know that I worry about the community, and it makes me think about all these young people out there with their access to social media, and the very thought of young people believing that they can find something better, which is what Christine was talking about, the speaker earlier to me, that the trauma in the community has not been addressed.

So, from my perspective, I just want to thank all of the presenters. I want to thank you for this opportunity to speak. There needs to be more funding available for all of the systems so that we can

build a system with care. I agree with the council delegate who spoke about all of the things that are going on in the big Navajo Nation. It is the same thing out here in New Mexico. Navajo Nation is the largest land-based Tribe. We have right now 11 judicial districts across Arizona, New Mexico, Utah. We do allow for pro se filings of domestic violence petitions, but it is the enforcement that is missing. The pandemic has very honestly and truly highlighted the disparities in employment and access to healthcare and access to services.

Right now, even though we have a lockdown sometimes for COVID-19, we do not have law enforcement out here in our communities. We have lost some police officers to COVID-19. We have lost people in our communities because of the disparities. This virus that they talk about, COVID-19, is not the only virus that is plaguing our Native people here in the Southwest. It is plaguing--it is just an indication, an example of, you know, the sexual assault, the missing and murdered individuals out there. It is almost as if nobody cares about them except the few people that you hear from. And we need to do a better job in organizing our efforts. And I am glad that there is planning going on.

So for this consultation, I would like to ask the President and his staff and all the agencies involved that they really look at the funding criteria for--not only VAWA, but also creating more funding access for the police, the law enforcement, the courts all across, even Indian Health Service. Indian Health Service is truly underfunded as well. It needs to be a more systematic approach rather than just VAWA. It has to be a lot more than that. I think if folks can look at the disparities, and our death rates, and the problems associated with family that cannot really do anything because their hands are tied--the resources are out there. If you really look at that, I think we are truly underfunded and underserved as Native American people in the United States of America. Now, I am a veteran. I served my country. I, with my whole family, served. My dad is a Navajo code talker. He was serving the USA even before he could vote in New Mexico. You know, we have people out in our community that rely on and also provide a lot more than just being a member of a Tribe. We have done a lot for our communities, and so I just ask that you listen to our voices, that you help these people who have lost people, that we do something about internet trafficking. It is horrible. It is scary. And we need more resources and training out there for that. Thank you very much.

MARY JO GIOVACCHINI: Thank you so much for your testimony. We have four individuals that were registered to offer testimony that we are not able to identify based on the names on the list. So we are going to unmute one of the call lines and see if that line happens to be this--one of these individuals. So we are looking for Chairperson Tamra Borchardt-Slayton, Judge Lawrence King, Samantha Eldridge, and Dorothy Wait. So we are going to unmute the line, and if I called your name and you are on the line, you may please restate your name, as well as your Tribal affiliation, and you can begin your testimony.

We are having a little bit of a technical issue with the unmuting capabilities right now. So if you would just give us some time and be patient, we would appreciate that. All right. So the line is unmuted. If any of the individuals that I named are on this line, you may begin your testimony. Again, that was

Chairperson Tamra Borchardt-Slayton, Judge Lawrence King, Samantha Eldridge, and Dorothy Wait. All right. We will mute that line again. And that would conclude the speakers that we have on the call today.

KATIE SULLIVAN: Thank you so much. And thank you so much to everyone who spoke. I wanted to say that each one of these consultations is incredibly moving. All of you spoke with such an open heart and, so sadly, with experience. And I think that that is the part that really hits home the most. I am sorry, I know we all are, that you are experienced in this, but we appreciate you coming here and testifying openly and truthfully because all of this is a tremendous help to us in our work going forward and trying to make sure that we, in a government-to-government way, with our trust responsibility, that we do serve you in the best way that we can.

So you will see on your screen that we do have a website, Operation Lady Justice, and an email address. If you wish to receive updates from Operation Lady Justice, please subscribe to the website. And also every person on this call, whether you had signed up to speak or not, we know some people are more comfortable not speaking, some people have more to say, if other thoughts come to you and you would like us to consider those as part of the formal consultation process, we are receiving written comments through September 30 of 2020. And they can be sent to the Operation Lady Justice website. And a huge thank you. Thank you all so much. And thank you for joining us today.