

Remarks Presented at the Closing Plenary of the 11<sup>th</sup> National Indian Nations Conference: Strengthening the Heartbeat of All Our Relations Sponsored by the Office of Victims of Crime in the US Department of Justice at the Wyndham Hotel on the Agua Caliente Reservation in Palm Springs, California on Saturday, December 13, 2008 by Thomas F. Sullivan, Regional Administrator for the Administration for Children and Families in Denver, Colorado

#### A. Introduction

I would like to thank the Office of Victims of Crime as well as the Tribal Law and Policy Institute for this opportunity to be here with you today.

I need to apologize to all of you for not being here on Wednesday when the Tribal Consultation was held. I was not aware the consultation was scheduled at that time but I should have been here for it.

All of you need to know a bit more about me than what was said by Ms. Sarah Deer in her kind introduction. I am in my 7<sup>th</sup> year as the Denver Regional Administrator for the Administration for Children and Families. In that capacity my staff and I are responsible for the management and oversight of Head Start, Child Welfare, TANF, Child Care, Child Support Enforcement and a multitude of smaller, but no less significant, programs in the six states of Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming.

I was born and grew up in an Irish, Catholic family in suburban Boston. As a kid I thought everything west of the Charles River was Indian Country. I did not realize how correct I was until I arrived in Denver.

My wife and I are the parents of three and the grandparents of seven. Ten days ago we celebrated our 42<sup>nd</sup> wedding anniversary. We spent most of the day asking each other how we had done this. Neither one of us had an answer. We have been incredibly blessed.

#### B. Thank You

I want to thank you for the work you do to protect the health and welfare of kids and to stop domestic violence. You do extraordinarily important work under very difficult circumstances. What you do makes my life and my family's life better no matter where you do it and no matter where my family members live. The pressures and threats you deal with on a daily basis are extraordinary and that's only because you are doing your job to protect our kids and end violence in our communities. Some of your counterparts from around the country have told me what they face on a regular basis when they do their jobs: threats to their continued employment or to their health and safety; tires on their vehicles have been slashed; pets have been killed, and vehicle windows have been shot out in front of their home in the middle of the night. Some of you have sought and obtained conceal carry permits and have loaded weapons placed within easy reach no matter where you are in your homes. One of you while directing one of these offices was

in your local hospital Emergency Room with panic attacks on average twice a month. Some of you have confronted and beaten back efforts by state and senior, federal law enforcement officials to shift your responsibilities to investigate and refer for criminal investigation and prosecution all initial reports of child sexual abuse to a new agency established and controlled by them, effectively shutting your highly effective agency down. All of this interference with your efforts to protect kids and stop violence in your communities is, I understand, well-known to all levels of law enforcement in your communities. There has been, to my knowledge, no improvement in the conditions with which you deal despite this clear effort to intimidate you, to obstruct your efforts to protect kids and women from predators and violence.

### C. Facts of Concern

There are a few facts which I believe all of us are familiar with, which are of great concern to me and which make your ability to do your work effectively so much more difficult:

1. Four years ago I learned that on a small reservation, where staff had been investigating every reported case of statutory rape, that they had confirmed, on average, two cases of statutory rape per week for each week in the prior ten years. There have been few federal prosecutions of these cases, no feedback as to why there have been so few prosecutions and, as one might expect, no reduction in the rate of statutory rapes during the last four years.
2. One US Attorney has established and followed the policy that any cases of sexual abuse where the victims are developmentally delayed will not be prosecuted even when there is corroborating eyewitness and/or forensic evidence. The result of this practice and policy has left a large population of the developmentally delayed in Indian Country with no legal protection from child sexual abuse and/or sexual assault, thereby encouraging their continued abuse.
3. One year ago this week I was on the Rosebud Reservation which, at that time, was in the midst of a suicide burst among its youth. Unfortunately, that burst continues unabated to this day. Last year at this time the suicide completion rate on Rosebud was in excess of 200 per 100,000 population, a rate never seen before. Attempted suicides continue to average 5 – 8 per week with many by children as young as nine years of age. The vacancies at the Rosebud Indian health Services Hospital Mental Health Unit have remained at the same level for the last 18 months.
4. During the late winter of this year a social services director from one of our smallest reservations told me that in the last two years they had referred 46 investigated and confirmed cases of child sexual abuse for federal criminal investigation and prosecution. None of these 46 cases have moved forward for prosecution. There has been no feedback as to why these cases have not moved forward.
5. Two thirds of the Tribal Council on the reservation in # 4 immediately above are either themselves or have immediate family members who are sexual predators.

6. At the children's Christmas party last year on the reservation in # 4 immediately above the man who played Santa Claus was a convicted sexual predator who had completed his sentence and had been released from prison.
7. On May 5, 2008 the senior leadership of the Department of Health and Human Services assembled in Washington, DC to discuss the twin epidemics of child sexual abuse and child suicide in Indian Country. All agreed the twin epidemics of child sexual abuse and child suicide in Indian Country did exist, at least in the Denver region.
8. In late summer of this year the parents of school age children on one of our reservations received a letter from their superintendent of schools advising them that every child who was coming to school must bring with them a roll of toilet paper and a bottle of hand sanitizer, that the school system would not be providing either toilet paper or soap for student use. Have you heard of any school systems in the majority community adopting such a policy? I haven't. How many children have dropped out of this school system because their families could not meet this requirement? Clearly the resources available to you are inadequate despite the claims by some that resources are abundant. You work in communities where the Unemployment and Poverty rates are for most of you above 50% and in many cases exceed 85%. These are Third World figures but no one needs an international passport to travel to observe these conditions. There has been a great deal of publicity about the recent rise in the National Unemployment rate to 6.7%. I suspect most of you would be pleased if the Unemployment rate in your communities were only 5 or 6 times that national rate because that would represent a substantial improvement over what you deal with today.
9. In the two and a half months ending in October, 2008 there were sixteen suicide attempts by children on one of our reservations. One attempt was by a child who was only 6 years of age. During one week there were nine such attempts from a single middle school on this reservation.
10. I have not listed here or gone into any detail about the reservation that five years ago had more than 20 youthful suicide completions; the other reservations which have had comparable bursts of youthful suicide attempts and completions; the reservation where the social services director was told by her Tribal Chair as well as by all levels of law enforcement that since the "sex was consensual" they could do nothing about the 75 kids between the ages of 5 and 15 years of age who were having sex with each other; the numbers of you who have told me that all of the children in your generation were sexually assaulted as kids; the mental health director who claims every suicide completion case he has researched, every one within the last three years, on their reservation has a prior history of child sexual abuse; the "Walking Sky, Thistles" blog which shows pictures of more than 200 different underage youth doing drugs and drinking beer and alcohol which is reportedly well-known to all levels of tribal, state and federal law enforcement even though no efforts have been made to stop this clearly illegal behavior on this reservation; your stories about the difficulties you experience in getting law enforcement at all levels in your communities to deal with so much child sexual abuse and violence to women or the stories told by some elderly grandmothers about the horrific manner in which newborn babies born to them were disposed of

after they became pregnant and gave birth as a result of the boarding home sexual assaults, painful stories that have frequently been told only on their deathbeds because these courageous women refuse to take this chapter of their boarding home experience to their graves untold.

One might get the impression from all of this that Indian Country is the only place in this nation that child sexual abuse is raging. That is simply not the case. I have been told by representatives from all sectors of the majority community that the same issues are of concern to them. There was, for example, an article in yesterday's Wall Street Journal about the efforts of the Orthodox Jewish community in New York grappling with a widespread problem of child sexual abuse in their community. The article described issues that sounded very similar to those all of us are dealing with in Indian Country. The difference is that all of you recognize this problem, are talking about it and are working to correct it.

#### D. One Approach to Begin Addressing These Issues

Addressing and beginning to correct this set of issues will require additional resources. Even if those additional resources were available today, we would still have the obligation to determine how the resources available to us could be utilized most effectively within available statutory and regulatory authority in dealing with and correcting these issues. It has been my impression for some time that most of the programs operated by my own agency, ACF, operate in silos, with little effort to organize their operation so that maximum beneficial effect is achieved for targeted program recipients, even though the recipients of each of these programs are, for the most part, the same, people in poverty. Decisions made in the last three years about the organization of these programs have, if anything, lengthened and hardened these silos limiting the synergistic potential of these programs. Organizing the operation of these programs so they more effectively serve the needs of their target populations is an objective that must be pursued irrespective of the level of resources available to deal with issues in Indian Country.

It was for this reason that a meeting was convened in Bismarck, North Dakota on August 27, 2008. Invited to this meeting were: the Director of the North Dakota Department of Human Services (NDDHS), the North Dakota Commissioner of Indian Affairs, the state Head Start Collaboration Director, the state directors of the Child Care, Child Welfare, Child Support Enforcement and TANF programs, the Tribal Liaison to the NDDHS, the child welfare directors from the 4 federally recognized North Dakota Tribes, representatives from the Native American Training Institute based in Bismarck as well as representatives of both the Minneapolis-based Bush Foundation and the Casey Family Programs. All invitees were in attendance with the following exceptions: the Director of the NDDHS, the four child welfare directors from the Tribes and the representatives of the Bush Foundation. All who attended were present for most of the full day meeting.

The following are the six conclusions of that meeting:

1. All participants agreed that any conclusions reached at this meeting would have limited legitimacy without the presence and participation of the child welfare directors from the four North Dakota tribes even though there were still five North Dakota enrolled tribal members at the table. When I checked later I learned that three of the four child welfare directors were unable to attend because of demands of their jobs. The fourth was instructed not to attend because of limited funds for such travel. These reasons provide direct, easily understood documentation of the inadequate level of resources that plagues most, if not all communities in Indian Country especially the child welfare and domestic violence staff.
2. The Tribal Liaison pointed out that when she was child welfare director on one of the reservations almost 15 years ago that she dealt with the same set of problems her successor must confront today, with the exception that she was able to get some crimes prosecuted in the federal court system while, apparently, her successor was having even less success than she had. She asked the rhetorical question: “Why has it taken the federal government 15 years to do what appears to be nothing?”
3. There was extensive discussion of social marketing as a strategy which might effectively raise the consciousness of not only reservation communities but also of the broader community to the twin epidemics of child sexual abuse and child suicide. The success of anti-smoking campaigns was specifically discussed. However, deep concern was expressed about the danger of stereotyping Native communities. No agreement could be reached on this approach.
4. Several meeting participants made the point that Native Americans while residing in their own sovereign nations, are also residents of North Dakota and deserve to have the same level of resources available to them as any other North Dakota citizen. The disparity between the caseloads carried by state and tribal child welfare staff, the limited systems capability available to tribal child welfare staff, the absence of linkages to state and tribal court systems, all were cited as examples of the inequitable resource distribution present all across Indian Country.
5. There seemed to be general agreement that any approach to deal with and stop the twin epidemics will need to be “strength-based” if it is to work. It is not clear how such an approach can be reconciled with the social marketing approach discussed above.
6. A major challenge in providing safe places for children is that many, if not most, children are growing up in homes where there is only a single parent and where economic pressures are such that long hours of work outside the home is required for that one parent or for both parents if they are to meet the basic economic needs of their family. Programs like Head Start and Early Head Start have great potential to provide the basic core for out-of-home safe places. The problem is, however, that while these programs have enrolled more than 2,350 North Dakota children, there are another 2,000 children from comparable circumstances who are on a waiting list to be enrolled in the program. This is a substantial undercount since the Early Head Start program has only 7 grantees statewide, has such a limited coverage of the entire state and provides services on only two of the four

reservations in North Dakota. Where there is no program, there can be no waiting list for admission to the program. This provides a serious challenge to relying on these two programs to be core safe places for children in Indian Country. This does not mean, however, that one should wait for the perfect in order to develop interventions which may represent a substantial improvement over the status quo. Furthermore there are substantial numbers of Native Americans living in off-reservation communities all across North Dakota for whom these programs could serve as truly safe places if they were funded to operate on a full-day, full-year basis. Coordinating these programs with Child Care programs might extend the capacity of the state to provide safe places to children all across the state but especially in Indian Country. It must be noted that any expansion of Early Head Start and Head Start to full day, full year programs will require additional funding.

The meeting on August 27 concluded with a commitment from all participants to convene again within 30 days, during September. That meeting has not yet occurred because of the retirement/resignation of two key participants, the state Child Welfare Director and the Tribal Liaison to the NDDHS. Those acting in these positions have been unwilling thus far, due to the press of their new responsibilities, to schedule another meeting.

#### E. A Story

I would like to conclude with a story about a young Lakota lady that I believe is quite relevant to the issues we all deal with – inadequate resources to do the work we need to do.

In the Fall of 1984 Sue Anne Big Crow was a freshman member of the Pine Ridge girls basketball team which traveled to Lead, SD, in the middle of the Black Hills, for one of their first games of the year.

The Lead gym is small with little room for fans from visiting teams and so few traveled to Lead to support their teams. This night the Lead fans were especially obnoxious with war whoops, drumming, chanting “commodity bods” and other insulting comments. Some in those stands probably remembered the response of the Lakota Nation to the 1980 Supreme Court decision about the taking of the Black Hills in which Justice Blackmun wrote that this was the most egregious treaty violation by this nation. This decision awarded \$100 million to the plaintiffs who have, to this day, refused to take any of this money demanding the only decision that will be satisfactory – the return of their sacred Black Hills to them. Such an attitude was the cause, I am confident, of some of the hostility from the Lead fans.

Typically the visiting team is first on the basketball court lead by their seniors. This night the Pine Ridge seniors, intimidated by all the noise and hostility from the Lead fans, told their coach they could not lead their team onto the floor. Freshman Sue Anne Big Crow volunteered to lead her team onto the floor and she did.

When Sue Anne got to half-court she stopped, passed the ball to the senior behind her, turned to the Lead bleachers and began to dance and to sing a song, both taught to her by her grandmother. It was a traditional shawl dance, using her warm-up jacket as a shawl. As she sang and danced, the Lead fans began to go quiet until there was total silence in the gym when Sue Anne finished her dance and song.

As she took the basketball from her team-mate the Lead fans broke into loud applause and clapping. That was the immediate effect of Sue Anne's efforts. Years afterward the results of her efforts were still manifest: Lead and Pine Ridge team members and their parents visit back and forth, sharing holidays with each other, traveling throughout the state and this nation as well as internationally together.

This was all accomplished by a 14 year old freshman wearing only her basketball uniform. As I recall there isn't much that's less respected than a freshman in high school.

I often think back to this story when I am trying to sort through what I have accomplished in a particular day or week. I have to admit that I have not yet measured up to the accomplishments of this 14 year old freshman basketball player. After all I have the benefit of age, education and position. How is it that a 14 year old girl, demonstrating courage far beyond her age, a freshman, in nothing more than a basketball uniform has accomplished so much with a dance and song taught by her grandmother?

Let me suggest that all of us have to examine how effectively we have fulfilled our responsibilities within the context of the achievements of Sue Anne Big Crow. Why haven't we done more with all of the benefits of education, position and resources which we enjoy? By suggesting we ask ourselves this question, I am by no means suggesting we should be comfortable with less than adequate resources. I am suggesting we, you and I, need to be more effective than we have been, no matter how limited those resources may be.

Let us all return to our communities committed to the goal of stopping child sexual abuse in our communities, moving forward as best we can to change the policies, practices and attitudes of all, committed to the notion that, in our communities, child sexual abuse stops today!

I would like to thank you again for all the work you do to make life better for us all and to answer any questions you may have.