

Transcript Prepared By the Clerk of the Legislature
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Rough Draft

General Affairs Committee and Judiciary Committee
December 11, 2009

[LR199]

The Committee on General Affairs and the Committee on Judiciary met at 2:30 p.m. on Friday, December 11, 2009, in Room 1524 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LR199. General Affairs Committee senators present: Russ Karpisek, Chairperson; Colby Coash; Merton "Cap" Dierks; Annette Dubas; and Bob Krist. General Affairs Committee senators absent: Kent Rogert, Vice Chairperson; Tanya Cook; Scott Price. Judiciary Committee senators present: Brad Ashford, Chairperson; Colby Coash. Judiciary Committee senators absent: Steve Lathrop, Vice Chairperson; Mark Christensen; Brenda Council; Scott Lautenbaugh; Amanda McGill; Kent Rogert. Also present: Senator LeRoy Louden. []

SENATOR KARPISEK: (Recorder malfunction)...sees fit and then we will institute the light system. []

SENATOR LOUDEN: You're breaking out. We can't hardly hear you. Sounds like your cell phone got turned around. []

SENATOR KARPISEK: Mr. Hubka is working on that. We will get started. Thank you for that count, Senator Louden. Welcome to the hearing for LR199. This is a joint hearing between the General Affairs Committee and the Judiciary Committee. My name is Senator Russ Karpisek of Wilber and I am the Chair of the General Affairs Committee and I will be chairing today's hearing. The General Affairs Committee members present are Senator Coash of Lincoln, who serves on Judiciary Committee also; Senator Dierks of Ewing; Senator Krist of Omaha; and we expect Senator Dubas of Fullerton. []

JOSH EICKMEIER: She's watching on the Internet. []

SENATOR KARPISEK: That's right, she is watching on the Internet. Thank you, Josh. The Judiciary Committee members present are... []

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SENATOR LOUDEN: You got to get your microphone better, Senator Karpisek. []

SENATOR KARPISEK: Do I need to yell into it, Senator? []

CHUCK HUBKA: Lincoln working on the audio. []

SENATOR LOUDEN: Okay. []

SENATOR KARPISEK: Is it any better now, Senator Louden? []

CHUCK HUBKA: ETV is aware of the problem and they're working on it, but it's within the connection of ETV's system so it's nothing out of this room... []

SENATOR KARPISEK: Okay. []

CHUCK HUBKA: ...and yelling in the mike won't help. []

SENATOR KARPISEK: That won't help? []

CHUCK HUBKA: No. []

SENATOR KARPISEK: Senator Louden, Chuck has told me that it is within the NET system and they are aware of it and they are working on it, so me yelling into the mike won't help. One good part is we can hear you fine. []

SENATOR LOUDEN: Okay, good enough. We'll proceed like that then. []

SENATOR KARPISEK: Okay. []

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SENATOR LOUDEN: Are you ready for the first presentation here then from Chadron?
[]

SENATOR KARPISEK: Not quite. Let me go through a little bit of the rules quickly. As you all know, Senator Louden is also joining us in Chadron. He's from Ellsworth, and I have asked Senator Louden to join us because his district has Whiteclay located within it. Committee members assigned today are Joan Snyder, our General Affairs Committee clerk; Josh Eickmeier, our General Affairs Committee legal counsel; and LaMont Rainey, the Judiciary Committee legal counsel. When you come up to testify, please speak clearly into the mike, please tell us your name and spell your name, first and last, and also tell us whom you are representing, if anyone. Please turn off your cell phones, pagers, or anything else that beeps, and please keep your conversations to a minimum. This is the second hearing on LR199. The first was in September, on September 25, here in Lincoln. Our hope was to have the second hearing in Rushville but, due to the special session, we had to reschedule and move the hearing to Chadron via videoconference. What I would really like to hear from today is the people at Chadron, and do not anticipate any testimony from Lincoln unless committee members feel it is necessary to specifically request someone to testify here. Also at the last hearing, we didn't have time to hear from everyone so that's why we've instituted a light system, and hopefully, if anyone here does want to testify, we will have time. We are scheduled to be done at 5:00. At this time, I think it would be helpful to begin this hearing with testimony from President Theresa Two Bulls, and Senator Louden has told us that we have about 20 testifiers, and after the president testifies we want to hear from as many as possible. So we'll ask each person to speak for 5 minutes, plus any time needed to answer questions. Thank you for your cooperation. Senator Louden, whenever you are ready. [LR199]

SENATOR LOUDEN: Okay. This will be President Two Bulls who will proceed now.
[LR199]

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PRESIDENT THERESA TWO BULLS: Thank you, Senator Louden. Good afternoon. My name is Theresa Two Bulls. I'm president of the Oglala Sioux Tribe located on the Pine Ridge Indian Reservation. I want to thank you for your past cooperation with many tribal administrations in this vexing situation for both of us. Solutions sought in the past, like cross-deputization, were rendered unusable due to overload of our own police support, police (inaudible). Today, for instance, we have 30 police officers for an entire reservation, where we need a minimum of 100. (Inaudible) of this whole disaster at Whiteclay lies with the decision of Nebraska officials, not the Indians. (Inaudible) after March 2, 1889, a 50-square-mile area including what's now Whiteclay, was set apart for the protection of Pine Ridge agency from whiskey peddlers, which was reserved so long as the (inaudible) protection of the Indians receiving rations and loyalties of the Pine Ridge agency. In 1903, county commissioners, senators, and the good Governor of Nebraska petitioned President Roosevelt that the Pine Ridge Indians do not need the protection of (inaudible) five-by-ten-mile Nebraska extension and will you please transfer (inaudible) Nebraska for the good of all. This President Roosevelt did by executive order in January of 1904. This President Roosevelt did by executive order in January of 1904. The following month, the President (inaudible) one square mile to Pine Ridge agency for an irrigation system already in place. So the specific reason Whiteclay existed, because of the actions of Nebraska officials to further (inaudible) Sioux people of the (inaudible), Sioux people of their land. I want to thank you for allowing us to be here today. I know there is a lot of frustration among not only tribal government but our tribal membership that we...this issue has been addressed over and over again and nothing has really been accomplished. We had a meeting yesterday and we discussed a lot of the issues. And I think I'm out of time. I know I have (inaudible) testimony given but I would like to mention some solutions that we would like to see. And number one, we would like to see a memorandum of understanding (inaudible) with our tribal ambulance and our tribal law enforcement. Number two, we would like Nebraska to help with establishment with the building of a detox center. Number three, (inaudible) tax dollars on the sales of the beer which really could be used to build a detox center and also a homeless shelter. Number four is if Nebraska could work with the state of South

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Dakota and to reimburse (inaudible) past service for the accidents and the deaths that have been caused because of the alcohol sales in Whiteclay. Number five, we're asking that the Nebraska Liquor Commission control the sales in Whiteclay to have them be closed on Sundays and also on holidays. We have a lot of issues and concerns, and I appreciate this teleconference today, that we want to have resolved. We want solutions and we're willing to work together with you, the state of South Dakota, the state of Nebraska, and the tribe in a positive way. We've complained for many years, many times you've heard our complaints, but I think now is the time that we all come together, collaborate, work together and come up with solutions. We need to stop planning funerals. We need to decide how we're going to work together and address this issue because it is very devastating to our tribal membership. And we are aware of the problems but where are the solutions to these problems, and that's what I'm saying today. We need to work together to come up with solutions and not to keep having these studies and establishing these groups to address this. It's over now and we want to see something, a positive result, that's going to help our tribal membership. So thank you. I would like to move (inaudible) to the next individual. Thank you. [LR199]

SENATOR LOUDEN: Just a minute, Theresa. Are there questions from the senators from Lincoln? [LR199]

SENATOR KARPISEK: Thank you, President Two Bulls. Do we have any questions from the senators here in Lincoln. I don't see any, but Senator Coash has asked if we can get copies of her testimony. [LR199]

PRESIDENT THERESA TWO BULLS: Yes. I already made it available to Senator Louden. [LR199]

SENATOR KARPISEK: Very good. Thank you, President, and we agree that we want to work together with you also and we are looking for solutions and that's why we are here today, and I appreciate some of your ideas and I have some of those same ideas and

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we will work together and I appreciate you being here today. [LR199]

PRESIDENT THERESA TWO BULLS: Thank you very much. [LR199]

SENATOR LOUDEN: Okay, our next testifier will be (inaudible). [LR199]

SENATOR KARPISEK: We may have lost you, Senator Louden. [LR199]

SENATOR LOUDEN: Well, are we back on again? [LR199]

SENATOR KARPISEK: Now we are, yes. Thank you. [LR199]

SENATOR LOUDEN: Do you hear us up in Lincoln? [LR199]

SENATOR KARPISEK: Yes, we do, Senator Louden, very well. [LR199]

SENATOR LOUDEN: Okay. Well, we'll proceed with Public Safety director, Ron Duke.
[LR199]

SENATOR KARPISEK: Okay, Senator. We'd like to tell the testifiers a little bit about the light system. One light means you're good to go. When two lights come on, that means you'll have one minute left. And then when the third light comes on, means your time is up and then we'll be open for questions. Thank you and whenever you're ready. Can you hear us from Lincoln? We're not receiving your feed. There you are. Now we...
[LR199]

SENATOR LOUDEN: Okay. Now can you hear us? [LR199]

SENATOR KARPISEK: We can, and Joan Snyder is asking you all to spell your name for the record, please. [LR199]

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SENATOR LOUDEN: Okay. We have to shut our microphones off here in order to hear you so that was...that was what was wrong, our microphone was off. We're ready to proceed. [LR199]

SENATOR KARPISEK: Okay. Thank you, Senator. [LR199]

RON DUKE: Do I start all over? [LR199]

SENATOR KARPISEK: Please do. [LR199]

RON DUKE: (Inaudible). My name is Ron Duke. I'm the captain of police for the Department of Public Safety. I'm currently the acting chief, as our chief is on travel. But I'm going to introduce some statistics on the arrest rate that we have across the Pine Ridge Reservation on a yearly and monthly basis. I do present (inaudible) to Gary Ruse for your view of them, but in the past year we had 288,670 calls for service, for police service, with a total of 40 officers on board. That's...well, we're basically receiving, again, on a yearly basis, (inaudible) alcohol and what's coming out of these calls is we've had 15,160 incoming calls for 911 emergency service. From those calls, we're getting around 1,500...or 1,854 juvenile arrests and 25,437 adult arrests. That's in a year's time. And the majority of these arrests, I'd say 90 percent of these arrests, are alcohol related. This is across the Pine Ridge Reservation. Our staff, our law enforcement staff, is way overworked. Like President Two Bulls said, we need at least a minimum of 100 officers and we have only 40 on the street. At one point, we've...we had some dealings with the Nebraska state legislators, I believe it was around 2004 or '05, and we attended to address the problem that we're having with the alcohol coming across the state line from Whiteclay, and at that time were talking of allowing some of our officers to become state-certified and actually enforce state...Nebraska state law in Whiteclay. For some reason, that didn't work out, it didn't pan out. I leave that up to the legislators to why that didn't work. But I still believe that with a little more manpower we

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can address this problem and it's just allowing our law enforcement to actually make these arrests or patrol Whiteclay and bring our detainees back across to Pine Ridge. That was another issue that our legislators had some concern over. So for today, these are the numbers that we're dealing with, with a total of 40 officers, and it's overwhelming of law enforcement as it is just to deal with our operation on the Pine Ridge Reservation, let alone try and go after (inaudible) and staff to try to enforce the law on the state side. Is there any questions that you might have for law enforcement? [LR199]

SENATOR LOUDEN: Any questions from Lincoln for Ron Duke, the Public Safety director? [LR199]

SENATOR KARPISEK: Any questions here in Lincoln? Could you please spell your name, sir? [LR199]

SENATOR LOUDEN: Okay, we can't hear you at all from Lincoln, so you're going to have to go to the Governor and get an appropriation, I guess. If you don't have any questions, I... [LR199]

SENATOR KARPISEK: Can you hear me now, Senator. [LR199]

SENATOR LOUDEN: Yeah, you're better now. [LR199]

SENATOR KARPISEK: Okay, I'd like to ask, we have...they have 40 officers. Is the problem money to get more officers or is it a lack of man...people that will be officers? What's the real issue? [LR199]

SENATOR LOUDEN: We didn't hear a thing you said, Senator Karpisek. I mean we heard you talk, but you got a speech impediment evidently. (Laughter) [LR199]

SENATOR KARPISEK: That I do. Let's try it again. Is there...why is there only 40

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officers when we need 100 there? [LR199]

SENATOR LOUDEN: Okay. Did you say you want to know why there aren't more officers on the reservation? Is that what you're asking? [LR199]

SENATOR KARPISEK: Correct. [LR199]

RON DUKE: Okay. Well, it's based on the (inaudible) funding formula that allows us only this amount of officers. [LR199]

SENATOR LOUDEN: Did you get that, Senator Karpisek? [LR199]

SENATOR KARPISEK: Yes, we did. Thank you. [LR199]

SENATOR LOUDEN: Okay. Now I was going to ask some questions along that same line, if I may proceed? [LR199]

SENATOR KARPISEK: Yes. [LR199]

SENATOR LOUDEN: On your law enforcement, the BIA is the one that sets your funding for your police officers and they've cut you down from 100 a few years ago to, what, 40 or so now? [LR199]

RON DUKE: No. A few years back we had...when we had 100, most of the staff were funded through the Department of Justice grants... [LR199]

SENATOR LOUDEN: Okay. [LR199]

RON DUKE: ...and the bureau (inaudible) the rest of our law enforcement agency. At that time, when we had 100 officers, we were only supply (inaudible) 25 officers.

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[LR199]

SENATOR LOUDEN: Okay. And the rest of them were funded through grant programs?
[LR199]

RON DUKE: Yes. [LR199]

SENATOR LOUDEN: Okay. And those grant programs, I presume, ran out and nobody has picked them up in the meantime. Okay. The other question I would have is when you talk about alcohol coming in from Whiteclay, what other sources did alcohol come into the reservation? Because, I mean, you got towns all around there that sell beer and Whiteclay only sells beer but a lot of them (inaudible) wine and whiskey isn't sold on the reservation, so where...where how else does that liquor come from? [LR199]

RON DUKE: Bootleggers, wherever the...bootleggers and drug dealers are a big problem we're having across the reservation also. Where they get their alcohol, we have no idea where that's coming in from, what area that's coming in from. [LR199]

SENATOR LOUDEN: Well, does alcohol come in like isn't Scenic next to your reservation? Is there much coming in through Scenic or do you keep track of that?
[LR199]

RON DUKE: We don't get as much coming in from that area, Scenic or from these other border towns around the reservation. The problem we're having here in Pine Ridge is it's right next door, it's two miles down the road, which makes it so easy for people to get it from Whiteclay, whereas the other outlying districts we have, it's a lot harder and we are able to patrol and police at those other districts a lot better than we can right there in Pine Ridge. [LR199]

SENATOR LOUDEN: Now what about when you mentioned bootleggers? If we look on

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your arrest list here, how many arrests did you make of bootleggers here in the last, you know, year, year or so? [LR199]

RON DUKE: Hmm. I don't have those figures. [LR199]

SENATOR LOUDEN: Okay. But do you know offhand? I mean did you make... [LR199]

RON DUKE: I would say around...on an average of about five or six within a year.
[LR199]

SENATOR LOUDEN: Five or six in a year? And what was your...what was your...what would you say when you find them...what was your... [LR199]

RON DUKE: Convictions? [LR199]

SENATOR LOUDEN: ...results of conviction? Yeah, what was your conviction rate on that? [LR199]

RON DUKE: Most of our bootlegger charges, a majority of those arrests were made by the FBI, then charged through the federal government. [LR199]

SENATOR LOUDEN: Okay, then your police force actually didn't make that many arrests. Is that what you're telling me? [LR199]

RON DUKE: On bootlegging, no. [LR199]

SENATOR LOUDEN: On...in other words, you don't, you don't really intend to make arrests on bootleggers or is that area...you can leave that up to the FBI or what?
[LR199]

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RON DUKE: No, we actually patrol, we have had authority to make those arrests. It's getting the probable cause and the evidence to make those arrests is what's slowing us down. [LR199]

SENATOR LOUDEN: Okay. [LR199]

SENATOR LOUDEN: Okay. And what's the penalty for bootlegging on the reservation? [LR199]

RON DUKE: (Inaudible). [LR199]

SENATOR LOUDEN: Well, I could ask somebody that testifies later on then. And you mentioned a detox center. At the present time, is there much of a detox facility? And what do you do when you arrest somebody for drunk...for, you know, for alcohol or something like that? What do you do with them? [LR199]

RON DUKE: (Inaudible) sentence the people, whether or not they want to sentence these people. We do have a program that they're court-ordered to attend which is a federal (inaudible) how many...I guess you have to have a (inaudible). [LR199]

SENATOR LOUDEN: oh, okay, very good, very good. Any questions for Ron Duke from Lincoln? [LR199]

SENATOR KARPISEK: No, Senator, no more questions. No more questions. [LR199]

SENATOR LOUDEN: Okay, very good then. We'll move to the next testifier, that's ambulance director, Jack Ten Fingers. [LR199]

JACKSON TEN FINGERS: Hello. My name is Jackson Ten Fingers. I'm the risk manager for the OST Ambulance Service. (Inaudible) present a report for you so here

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we go. The Oglala Sioux Tribal ambulance service for many years has responded to ambulance requests (inaudible) tribal membership (inaudible) who are immediately in need of (inaudible), medical, and trauma care in the town in Whiteclay, Nebraska. (Inaudible) contracted through three hospital care services, from the United States Indian Health Services for our membership on the Pine Ridge Indian Reservation. The unincorporated township of Whiteclay, Nebraska, is not part of the service area contract and agreement with the United States Indian Health Services. The Oglala Sioux Tribe ambulance service responds to medical and trauma calls in the township if Whiteclay, Nebraska, which has placed the Oglala Sioux Tribal ambulance service contract, (inaudible), and personnel in a very difficult position concerning liability. (Inaudible) medical and trauma calls (inaudible) tribal membership. Respond to their calls of service (inaudible), emergency medical (inaudible) town of Rushville, Nebraska, which has a voluntary rescue fire department who have the responsibilities to provide services in the town of Whiteclay in the county of Cherry, Nebraska. (Inaudible) medical calls in recent years, it's required them (inaudible) Rushville, Nebraska, is voluntary (inaudible). Rushville, Nebraska, has a voluntary rescue and fire (inaudible) take one to two hours to provide for hospital care. Rushville (inaudible) town of Whiteclay filed a lawsuit with (inaudible) Department of Home Safety dispatch (inaudible) Sheridan County Sheriff's Office who then refers (inaudible) dispatch. (Inaudible) any responders are at the location, the request for an ambulance within at least ten minutes, and after (inaudible) will deliver to the (inaudible) care unit, such as a hospital, within the golden hour. If longer than that, your chances of survival (inaudible). It takes one to two hours for (inaudible) voluntary (inaudible) from Rushville, Nebraska, to proceed to the ambulance call. The chance of survival not only diminishes but clinical death has begun as well as biological death which is sure to follow. (Inaudible) statistical analysis shows that we have responded to 150 calls for medical and trauma victims in the town of Whiteclay, Nebraska. (Inaudible) service requests a memorandum of agreement with the city of Rushville, Nebraska, the state of Nebraska, and Sheridan County in providing free hospital care services to the township of Whiteclay, Nebraska. The (inaudible) also wishes he had a line-item approved in budget appropriation for (inaudible) and services

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rendered. (Inaudible). [LR199]

SENATOR LOUDEN: Okay. Thank you for your testimony. Anyone have questions from Lincoln for Jack Ten Fingers? [LR199]

SENATOR KARPISEK: I don't see any, Senator. [LR199]

SENATOR LOUDEN: Okay, everybody, good. I've got a question or two. As you stated that you have 150 calls in Whiteclay, is that in the last year or what? [LR199]

JACKSON TEN FINGERS: Yes, (inaudible). [LR199]

SENATOR LOUDEN: And how many calls do you have in the town of Pine Ridge? [LR199]

JACKSON TEN FINGERS: In the town of Pine Ridge we have...total calls for the entire reservation is 7,134 calls a year. [LR199]

SENATOR LOUDEN: Yeah, but I mean just in the town (inaudible). [LR199]

JACKSON TEN FINGERS: In the town of Pine Ridge we have two medic units, (inaudible) necessary (inaudible). I can't recall right offhand. [LR199]

SENATOR LOUDEN: Okay. Okay. Well, what I was wondering is even on your Web site, you see, you don't mention Whiteclay there. You mention Pine Ridge, Nebraska, and when you have to look at that they say, you know, it's two miles away. I question whether it's two miles away. There's lights all the way, but to me Whiteclay (inaudible) Pine Ridge, that's all, what, 3,500 or so people in that whole community and that's why I was wondering what portion of calls you made to different parts of that community right there in that community. [LR199]

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JACKSON TEN FINGERS: There's quite a few (inaudible) the ambulance service (inaudible) provide services for the state of South Dakota and (inaudible) tribe. We are not licensed in the state of Nebraska to provide care in Whiteclay, which brings up licensure problems. [LR199]

SENATOR LOUDEN: Do you answer calls in Whiteclay then if it's in Nebraska? [LR199]

JACKSON TEN FINGERS: If it's an emergency, yes, we do. [LR199]

SENATOR LOUDEN: Okay. And then where do you bring those people to, back to the hospital in Pine Ridge or...? [LR199]

JACKSON TEN FINGERS: Back to Pine Ridge, yes. [LR199]

SENATOR LOUDEN: Okay. And then you have medical facilities for emergency work at the hospital in Pine Ridge? [LR199]

JACKSON TEN FINGERS: Yes, I do. [LR199]

SENATOR LOUDEN: Okay. Thank you. I have no further questions then. Can the next testifier, let's see, Attorney General Smith. [LR199]

JACKSON TEN FINGERS: Thank you. [LR199]

SENATOR LOUDEN: Thank you for your testimony. Okay, go ahead. Do you have your little green light showing there? [LR199]

ATTORNEY GENERAL SMITH: Yes. [LR199]

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SENATOR LOUDEN: Go ahead. [LR199]

ATTORNEY GENERAL MARLIN SMITH: Good afternoon, Senators. My name is Marlin Smith. I'm the Oglala Sioux Tribe Attorney General. Just to give you a little brief history of our office, we have two separate offices, one in Kyle, which is in approximately about the middle of the reservation, and in Pine Ridge, which is the main office. We have one adult prosecutor, myself, and the juvenile prosecutor in the Pine Ridge office. I'm going to be giving the statistics regarding the arraignments only in the Pine Ridge office because I was not able to get the other statistics due to our prosecutor's being gone the last couple days before I knew I was going to testify. And if you need any, if you would (inaudible) these statistics from the Kyle office and reservationwide, I can get those to you as soon as possible. Just let me know and I'll accommodate you in any way possible. Going over the last months of arraignments, people being arrested and actually charged in the Pine Ridge district to the Pine Ridge office, last month we had 1,263 people arrested and charged, or arraigned, in the adult courts. This does not include the juvenile court which has it's own set of statistics. And again, I can get you those statistics in working with the juvenile division. Of those 1,263 arrests, the total number of charges or your different charges (inaudible) against these individuals were 3,789 criminal charges that were filed in the last month on the Pine (inaudible) office. Of those charges, 1,199 people had alcohol-related charges. So of the 1,263 people that were arrested and arraigned (inaudible) charges, 1,199 of them had alcohol-related charges in our office. So you can see that (inaudible) over 90 percent of the people that are arrested and arraigned have alcohol-related charges and that, I believe, can be directly attributed to the alcohol problem on the Pine Ridge Indian Reservation, caused by the bars and liquor establishments contained in Whiteclay. A lot of these charges, when you get involved with alcohol, and I'm sure I'm not saying anything that you don't already understand, can be (inaudible) charges. Drunk driving, reckless driving, child abuse, because a lot of the people that drive (inaudible) Whiteclay, especially during the winter months and even during the summer months, may take their children with them over to Whiteclay to pick up liquor and then they are driving back with them while

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intoxicated or with open containers of alcohol in their vehicles. If you have any other questions, I'm more than willing to answer any questions that you may have. [LR199]

SENATOR LOUDEN: Questions from Lincoln? [LR199]

SENATOR KARPISEK: Don't see any, Senator. [LR199]

SENATOR LOUDEN: One question or two, Mr. Smith. When you said you had 1,263 charges last month and 1,199 were alcohol, how many of those that were charged with bootlegging? [LR199]

ATTORNEY GENERAL MARLIN SMITH: I did not know that (inaudible) exactly. Usually that is a federal charge where the federal (inaudible) would come in. We would charge them with sale and consumption, along that sort of 538, which is our code of violation, and then other violations along with that. So I would have to research that to let you know exactly what the...I (inaudible) to clarify, it's 1,263 people who were arrested and 1,199 had alcohol-related charges. The total number of charges that were brought were 3,789. [LR199]

SENATOR LOUDEN: Well, I under...yeah, I understand that. (Inaudible) yeah, you got 64 people that got charged with something else, but what I'm wondering is if you have bootlegging and alcoholism is rampant on the reservation, who's taking care of that? Who's doing the arrests and who's doing the charges and who's doing the prosecution? [LR199]

ATTORNEY GENERAL MARLIN SMITH: Usually we are (inaudible) court so it means we cannot sentence anyone to a year or more in jail for one charge, and bootlegging would be...is considered a felony under the state of South Dakota and federal law, so that we hold them on the underlying charge and then the bootlegging charge would be given to the federal government because the BIA does our investigations for us. We

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don't have an independent investigator with the tribe and so, therefore, we rely on Bureau of Indian Affairs criminal investigators to come in. They do their investigation and if they find that a felony has been committed and that they want to prosecute, then they make that referral to the U.S. Attorneys in Rapid City and then they come and they prosecute them federally. [LR199]

SENATOR LOUDEN: Okay, you're telling me then your tribal government can't sentence anybody to more than a year in jail. Is that what you're saying? [LR199]

ATTORNEY GENERAL MARLIN SMITH: For each individual charge, depending on the charge. We can run consecutive sentences but that's not done very often. [LR199]

SENATOR LOUDEN: Okay. Thank you for your testimony. I guess, yeah, go ahead, you're done. I'll ask for the next testifier, Judge Saunie Wilson. [LR199]

SAUNIE WILSON: Good afternoon, Senators. My name is Saunie Wilson. I'm the youth and family court judge for the Oglala Sioux Tribe. We have a new youth and family and foster care code and through that code only the Attorney General's Office and (inaudible), that is our child protection program, and a police officer can enter a petition for emergency custody. I have here to read, and I only went through the files this morning. I picked out the ones that referenced alcohol and I want to share with you the impact it has on our families and I'm going to just read the alcohol-related sentence. The mother did show elements of intoxication. Children are all removed in all of these. Parents were reported (inaudible) allegedly intoxicated (inaudible) and the residence did burn down. Children were in that house. Children were placed with relatives due to drinking in the home. The father was reported to be providing alcohol to a 14-year-old girl. The custody was given to a relative due to a lot of alcohol and drug abuse and associated violence, physically and verbally, being initiated upon the children. A minor was incarcerated at JDC for beating his father up due to his father's drinking. These children were placed at Saint Francis Home in Manderson because the grandmother is

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on dialysis and unable to care for the children. The mother has been gone and is unable to be located. It is reported that the grandmother is out drinking. In the home, the mother has not sent this child to school since October. It was filed in March. He is in the home baby-sitting and often left alone while the mother is out drinking. The above-named children were removed from the mother's home due to the mother being intoxicated. The officer observed the mother to be wet from the waist down with a strong odor of her urine. Mother allegedly drinking almost every night with her children in the home. The incident...their last incident, she was too intoxicated to even give her children's names. The mother is constantly having house parties at her residence. There is almost a lot of older males there drinking. Four female children were removed from this home. At 4:14 a.m., the officer went to this house. The basement of the house was pretty dirty and it says that there was an unknown male passed out on the bed with the mother and she could not remember his name, and the child was in the same bed. An officer was sent to this residence and the PBT...the father, was highly intoxicated (inaudible) register a .223 percent on the PBT. While in route to county jail, he did make statements to the officer that he had a .22 caliber rifle and that he planned on killing his whole family when he got out. Upon arrival the officer did find seven minor children present, several empty beer cans around the house, and when the search was conducted he found the mother in the northwest bedroom and she was observed to be in a highly intoxicated condition. This one the grandmother reported because the stepfather had beaten a child and they were both drunk on Saturday. The officer was dispatched to a residence. Upon arrival, he was let into the residence and observed a person to be in an intoxicated condition and the mother was also intoxicated. Officer dispatched to Evergreen. The parents were intoxicated and the father registered a .231 percent on the PBT. The Center of Domestic Violence called the officers, found three individuals highly intoxicated with two minor children present. This one, the officer arrived and the mother was sitting at a kitchen table and registered a .232 percent on the PBT. In Allen, there were two intoxicated people and the male was passed out. This one, she reportedly abandoned her infant child. They had concerns because the child had been in the hospital and has been sick, but the mother was repeatedly leaving to

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get drunk. Upon arrival, they located five intoxicated individuals along with two minor children. The father had a .201 percent PBT. And this was an intoxicated person and domestic violence in progress with the children. [LR199]

SENATOR LOUDEN: (Inaudible). [LR199]

SAUNIE WILSON: Okay, I've got one more. And then also this one is very (inaudible). Drinking went on again. This does not include any of the emergency custodies we have that have physical abuse, the burns, the broken bones, the bruises because of alcoholism. It does not include the children, our children members who were killed because a drunk person rolled over on them and smothered them, or a drunk person was driving a car that wrecked and killed children and other tribal members. This is only the court-related alcohol cases. And if you have questions, I would like to answer them. [LR199]

SENATOR LOUDEN: Any questions from Lincoln? [LR199]

SENATOR KARPISEK: Can you hear me any better now, Senator? Can you hear us now? [LR199]

SENATOR LOUDEN: There you are. [LR199]

SENATOR KARPISEK: Is that better now? Senator, I'd like to ask...I'd like to ask the judge, we realize there's these problems but what solutions? Is banning the sale of alcohol in Whiteclay the solution? Is a detox center somewhere near there part of the solution? What are her ideas for some solutions? [LR199]

SAUNIE WILSON: Safe houses for the children; yes, banning the sale of alcohol so close in Nebraska; providing safe communities for these children. I had a parent come in the other day who cried because one of her...she has a son who has several

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addictions and he goes to the liquor store in Gordon, Nebraska, to buy hair spray to huff. Why in the world is a liquor store selling hair spray? We drink the cheapest, rotgut beer with no labels on it, Whiteclay, that are killing our people. It's taking their kidneys out. It's taking their livers out. I don't think you can buy this kind of rotgut (inaudible) anyplace else in the United States but in Whiteclay, Nebraska. And it is impacting our families and I think the answer has to be in the culture, if we can establish cultural centers, safe communities, safe houses for our children. [LR199]

SENATOR KARPISEK: Thank you. [LR199]

SENATOR LOUDEN: More questions? [LR199]

SENATOR KARPISEK: Thank you. I don't see any. I would like to remind everyone to please spell their names for the record when they testify. [LR199]

SENATOR LOUDEN: (Inaudible). [LR199]

SAUNIE WILSON: Saunie Wilson. [LR199]

SENATOR LOUDEN: Okay. I have a question to ask. When you mentioned all that list that you read and, yes, it's a terrible list, I agree, where were these people from? Now were they all from Pine Ridge, in that area, or are they from different parts of the reservation? I mean when you look on the map over there that you have there, what part of the reservation were these people from, all over or certain areas or...? [LR199]

SAUNIE WILSON: They are from all over the board. The majority of them are from Pine Ridge. And I do have a couple cases out at Allen, but actually the Kyle court would handle that, on the eastern end of the reservation. So most of these are on the western end which is handled in Pine Ridge. [LR199]

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SENATOR LOUDEN: And then out at Kyle, who would they be getting their beer from, Scenic or someplace like that? Or where do some of the other...? There's places all around the reservation selling beer besides Whiteclay. [LR199]

SAUNIE WILSON: I'm sure, you know, but that's...I think that the officers (inaudible) could have expanded on that by saying...when they do these safety checks and coming from Nebraska and the number of cases of beer that they get from those vehicles that come out of Whiteclay, Nebraska, are being hauled into the reservation for bootlegging purposes. [LR199]

SENATOR LOUDEN: Right, I agree. And that's been some of the questions I've asked, that if there's something illegal going on in Whiteclay, that certainly has to be stopped immediately. Now my next question then is how much is hauled in? Because Whiteclay just sells beer. What about the wine and the whiskey that comes (inaudible)? [LR199]

SAUNIE WILSON: Whiteclay does not just sell beer. You can go to any bootlegger out there and get beer and whiskey. Whiteclay has bootleggers, in case you didn't know that. [LR199]

SENATOR LOUDEN: Well, are they Native American bootleggers... [LR199]

SAUNIE WILSON: No, they're not. [LR199]

SENATOR LOUDEN: ...(inaudible) at Whiteclay or what are they? [LR199]

SAUNIE WILSON: No, they're not. Not in Whiteclay. They are not. [LR199]

SENATOR LOUDEN: Okay. We'll ask that question, because that's illegal to be doing that so... [LR199]

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SAUNIE WILSON: Yes, it is. [LR199]

SENATOR LOUDEN: ...this is what we have to find out. And my understanding is we've had some investigations. We've got people here that we can ask that about later on. Now what have you done with these people that when they come before you in court? Do you put them in foster care or what do you do with them? Do you send the people to detox? What do you do with them? [LR199]

SAUNIE WILSON: The cases that come in on the petitions I just read you are emergency cases. The children are removed for 72 hours. We have a hearing within 72 hours. Sometimes they are placed back with the parents. A lot of times they go to foster care and we work a case. Our job is to put the family back together, to reunify the family. I usually require parenting classes, a drug and alcohol evaluation, and ask them to follow the recommendations. So whether the recommendation is to attend treatment, to attend outpatient counseling, then that's what they have to do to...in order to be in compliance with the court and get their children back. And there are times when I do a trial reunification if I suspect they are continuing to drink. [LR199]

SENATOR LOUDEN: Now what about your detoxification? Where do you send them for something like that? And I'm not familiar with (inaudible) there but, in Nebraska, a lot of times they have to go for 28 days someplace in a type of a lockdown for detoxification. Do you have a program or anything that you access for those people up there? [LR199]

SAUNIE WILSON: We do not, but one of the things as we are now...the tribe right now charges people with a liquor violation, which includes the consumption in it. If we were able to turn that back to public intoxication, we do have an ordinance, 0301, that would say if you have three violations in a month then you must stay for detox. [LR199]

SENATOR LOUDEN: Now does the state of South Dakota have a detoxification center?
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SAUNIE WILSON: I'm sure, you know, and the people that are more familiar with the treatment centers can respond to that better. [LR199]

SENATOR LOUDEN: But the tribal members from the reservation can't access that detox center? [LR199]

SAUNIE WILSON: We...there's a waiting list. You know, any treatment, there is a waiting list. (Inaudible) really generous and saying (inaudible) most (inaudible). [LR199]

SENATOR LOUDEN: Okay. Then perhaps do we have to work with state of South Dakota and encourage them to increase the size of their detoxification center if there's this huge problem on the reservation? [LR199]

SAUNIE WILSON: That would be one alternative and that would (inaudible) putting the families back together and keeping the children safe. [LR199]

SENATOR LOUDEN: Because if you don't have detoxification, there isn't much could be done for alcoholism, is there? [LR199]

SAUNIE WILSON: That's right. [LR199]

SENATOR LOUDEN: Okay. Thank you for your testimony. Next testifier, and that is Terri White Eyes. [LR199]

TERRYL BLUE WHITE EYES: Thank you. Thank you, Senators. My name is Terryl Blue White Eyes and I run the alcohol and drug program for the Oglala Sioux Tribe. I've been employed with (inaudible) Teepee, which translates into, from Lakota, into English, two women in red (inaudible). I've been working for the tribe in that program for 22 years and I'm the director, and right now I'm listening to all of what I'm hearing here and I want

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to make a statement here that detoxification is the initial step for treating the disease of alcoholism, and that disease is something that affects all of us. And you heard the judge's and the police force and you've heard different members of my colleagues in the community talk about how it affects us on the reservation. And Whiteclay, Nebraska, is not only a black eye for our tribe but it's like going into a black hole. That places sells. All you see are people going back and forth. Now whether we're going to start talking about do we have this in place and do we have that in place for the Pine Ridge Reservation, a lot of services, most of them, are underfunded. We don't receive the amount of funding that we need. My program is funded at 3 percent of what we need. If I were to get fully funded and have a continuum of care that included detoxification, then we could address that issue on our reservation immediately. And that was one of the things that I know President Two Bulls and we talked about yesterday in our meeting as a tribal office, was the detox center; that we need to help our people address that disease of alcoholism that centuries and brought upon us...500 years now we've been talking about how alcohol affects our communities and yet every time we turn around it's us that get the blame for that, and that's something that we need to stop doing. If we're going to see solutions here, we need to include the fact that alcoholism is a disease that can be treated and you can't make anyone sober up unless you start that continuum with detox. Most of the people that go to Whiteclay and are drinking and using alcohol and hurting their families, hurting their communities are chronic alcoholics that need help. Some of them may not sober up, but if the first step was a detox center there on the Pine Ridge Reservation, none of the South Dakota tribal reservations have a detox center. We talk about alcoholism, number one health problem for the Indian people, and it still is, and it's number one for all of us on the reservation when we work together and try to help one family, two families, whoever we can deal with alcoholism and how it affects them. This is something I've been working for three years now at least. I've been in the alcohol and drug field 22 and on the Pine Ridge Reservation, and it's not something that I take lightly. When people come and they need help, we're trying to do all we can. We offered alcohol and drug evaluations last year. We completed 2,009 alcohol and drug evaluations. Of those, 60 percent come from the Pine Ridge area, and

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60 percent is 1,200 people. I think I did my math right, 1,200 people. Of those 1,200, 80 percent of those were referred to residential treatment. That means they were referred as addicted, chemically dependent. That's a disease. That's a chronic condition that you need to have stabilization, which is detox, and then medical treatment and treatment, which we provide. But that vital piece of detoxification is missing. Indian Health Service does not fund that. Again, we get 30 percent of our funds from Indian Health Service and that's a treaty obligation healthcare, and Nebraska has a responsibility as well. You know that (inaudible) out. When you see a town where there is only one, two, three, four establishments there, you don't see any citizens, you don't see a school, you don't see anything that actually says it's a town, but you sure see a lot of beer coming out of there. Somebody said, what, a million cans or ten million a year? Is that right? Ten million cans of beer sales? When is Nebraska going to say, well, let's...and I'm glad you're taking a look at it, but I hope it's not just a look and I hope it's not pointing back at us and saying, what's wrong with you people. Because what's wrong with us has been generational. It's 500 years, what's wrong with us. And I want to see something come from this as Nebraska is really going to live up to looking at this. Studying is good but what's the plan afterwards? Do you have any questions? [LR199]

SENATOR LOUDEN: Questions from Lincoln? [LR199]

SENATOR KARPISEK: Senator Krist has a question. [LR199]

SENATOR KRIST: Thank you for what you do for the Indian Nation and for the United States and for Nebraska and for South Dakota. Now let me ask you if you could give us one, two, and three, in that order, what would you do to fix the problem. Give me one, two, and three. [LR199]

TERRYL BLUE WHITE EYES: (Machine malfunction) Number two is we need more funding for training for people to work in that detox center, and number three, I would restrict the sales in Nebraska in Whiteclay. Why would somebody need to buy 20 cases

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of beer, one person? Why would somebody? I mean there's got to be a way to take a look at that. That's not for individual consumption. And the duplicitousness of being...the store owner selling all this (inaudible) they didn't where they were going with that, but they're making a profit off of our people's misery. [LR199]

SENATOR KRIST: Okay, you were cut out... [LR199]

TERRYLN BLUE WHITE EYES: That's my one, two, three. [LR199]

SENATOR KRIST: Okay. You were cut out before you told me number one. We didn't hear that in Lincoln. What was your number one? [LR199]

SENATOR KARPISEK: Say it again, Senator. [LR199]

SENATOR KRIST: What was your number one? It was cut out. We didn't hear that in Lincoln. [LR199]

TERRYL BLUE WHITE EYES: It was...my number one was a detox center that our...that we work together somehow to establish a detox center for these, for the chronic...people with chronic alcoholism or that are drunk on the streets that we don't have any care for that end up hallucinating, seizing, dying on their own. And where else in the world does that happen? This is worse than being in a Third World county, much less the United States. That was my number one. Can you hear me? [LR199]

SENATOR KRIST: Thank you. Yes, we did hear you. [LR199]

SENATOR LOUDEN: Any more questions from Lincoln? [LR199]

SENATOR KARPISEK: I don't see any. Thank you. [LR199]

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SENATOR LOUDEN: Okay, I have a question or two here for Ms. White Eyes. I'm wondering when you talk about the amount of beer that's going in there and you say bootleggers, now... [LR199]

TERRYL BLUE WHITE EYES: I didn't say bootleggers. [LR199]

SENATOR LOUDEN: ...what are we going about it? [LR199]

TERRYL BLUE WHITE EYES: I don't know. I didn't say bootleggers. I think bootleggers is a public safety and a federal issue and that's not something I have knowledge of what we do about them. [LR199]

SENATOR LOUDEN: Okay. And then when you mentioned the only reason you know how much beer is sold in Whiteclay is because that's one place in Nebraska that it's monitored how much is sold in Whiteclay. I don't know if you knew that or not. Now is any of it monitored in some of these other areas like in Martin or some of those other places in South Dakota on how much beer is... [LR199]

TERRYL BLUE WHITE EYES: I don't have that. I think you would need to ask the state of South Dakota that. That's a state issue. That's not a tribal issue. [LR199]

SENATOR LOUDEN: Okay. Well, I just wondered. You know, you had the information on Whiteclay. I just wondered if you had that information on some of the others. [LR199]

TERRYL BLUE WHITE EYES: The information I have about what Whiteclay is, you know, people throwing out numbers. I think I heard ten million cans yesterday... [LR199]

SENATOR LOUDEN: It was 360 cases a week, I think is what it is. [LR199]

TERRYL BLUE WHITE EYES: Well, that's a lot of beer. [LR199]

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SENATOR LOUDEN: Yeah, it is, and that's what we often wondered, if it was going out of there by the pickup loads, but at the present time we haven't been able to find out. Well, thank you for your testimony. The next testifier would be Juanita Scherick. Go ahead. State your name and go ahead. [LR199]

JUANITA SCHERICK: My name is Juanita Scherick and I am the director of (inaudible) Resource and Advocacy Center. I am one of the agencies (inaudible) tribe that handles (inaudible) child welfare cases and I am here before you, the Nebraska state legislators, to support the interim study on the hearing on the sale of alcohol in Whiteclay, Nebraska. Good afternoon, everybody. I want to begin by thanking all of you for holding this important hearing regarding this issue surrounding the sale of alcohol in Whiteclay, Nebraska, and the consumption of alcohol in the Pine Ridge Indian Reservation. I would first like to introduce to you the Pine Ridge Indian Reservation that is located in southwest South Dakota that includes Shannon, Bennett, and Jackson Counties. There are nine districts located within the reservation with most Oglala members, which are 11,607 living in Shannon County, and 3,493 in Bennett County and Jackson County. According to the 2000 U.S. Census, Shannon County is the second poorest county in the United States, with a 52.3 percent poverty level. The land base of Shannon County consists of 2 million acres where a large percentage of families are in (inaudible) houses cluster across the country. Distances between the community, our largest town of Pine Ridge agency, range from 25 to 100 miles. The Pine Ridge Reservation is located two miles away from Whiteclay, Nebraska. There are no commercial and no air transportation services located on the reservation. It is approximately 100 miles from Rapid City and 400 miles to Sioux Falls. There are 1,335 American Indian families and 7,949 individuals living below the poverty level in Shannon, Bennett, and Jackson Counties. For centuries, Lakota communities cared for and protected their children through unique intergenerational relationships, ceremonies, and customary adoptions. The Lakota word for child is (inaudible), which means sacred being. After a century of genocide and colonization, the Lakota people are in the process of repairing that, the

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fabric of this protected social system. However, due to the sale of alcohol just two miles across the boundaries of the Pine Ridge Reservation, tribal families continue to be subjected to the adverse effects of alcohol abuse. For example, all Lakota children (inaudible) of abuse/neglect is 17.6 percent. That is the highest in the state of South Dakota. According to the state of Nebraska Protection and Safety Division, there are 45 Oglala Lakota children in state custody as of October 2008. Generally, the reason for the removal of children from their parents due to alcohol abuse by one or both parents. The outcome for Indian children who age out of the foster care system is tragic. It is estimated that within two years of aging out of the foster care, 60 percent of the American Indian children are homeless, incarcerated, or deceased. It is also estimated that alcohol and other drug abuse plays a large role in the tragic chain of events involving alcohol. A report issued by the South Dakota Department of Corrections and the Council of Juvenile Services in 2005 showed that for Indian youth the arrest rate was 2.4 times higher than that of white youth. Indian youth comprise a third of the detention population; 41 percent of the juveniles (inaudible) Department of Correction; and 46 of the secure placements. If you look closely at the statistics, you will see that most crimes committed Indian youth are committed while they were under the influence of alcohol. The Oglala Lakota has known for a long time that alcohol is not in their culture, that it threatens the very existence of our people. Not only does it break up families with tragic results, but it also erodes our cultural values and traditions, the statistics compiled by the Indian Health Service hospital. The reservation is suffering as a whole from suicides, personal injuries, auto accidents, infant death, and child abuse and neglect. If the Nebraska State Legislature is proposing changes, I urge you to respect our sovereignty and remember that the tribal communities and tribal leadership is willing to develop partnerships and collaborative working agreements with the state of Nebraska. I would like to say that, in closing my testimony, some of these solutions can be that we can work together in providing opportunities for all Nebraska and South Dakota people. One of the solutions that we are recommending is a tax be presented, as well as a detoxification center for the tribe, both of us working together hand in hand for both states and the Pine Ridge Reservation. (Inaudible) taxes would help to alleviate

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pain and suffering of the Pine Ridge children and families of the Oglala Sioux Tribe.
Thank you. [LR199]

SENATOR LOUDEN Are there questions from Lincoln for Juanita Scherick? [LR199]

SENATOR KARPISEK No, we don't see any questions. Thank you for your testimony.
[LR199]

SENATOR LOUDEN Next testifier would be Lydia Bear Killer from the Oglala Sioux
Tribal Council. [LR199]

LYDIA BEAR KILLER: I'd like to say good afternoon to the Nebraska state legislators. You know, my focus is going to be just on the topic of Whiteclay. The hearing, today's hearing, was focused on the issue of Whiteclay, not South Dakota or pointing fingers on South Dakota and try to find an alternative blaming on other issues. But today, you know, I want to really focus on Whiteclay. We did have a meeting yesterday and we were informed on this hearing today, and I'd like to, I guess, follow up with Chief Ron Duke's statement. On record, there is 54 cases of bootlegging that was sent to the FBI, but at the same time, we have no control over the Federal Bureau of Investigation, how fast and how (inaudible) come down for the Pine Ridge Indian Reservation. I think today, you know, I looked at your Nebraska act here, Liquor Commission Act, and where to justify violations to the act. I guess we don't have them. We don't have no violations to your act because it's sealed, it's justified, it's set. The law is there for Nebraska. The only thing that I and a majority of us come in here is (inaudible) testify on the social injustice and the economic injustice, like the alcohol sale on Whiteclay. And we say Whiteclay because Whiteclay is in Nebraska and we want to focus only on Whiteclay. Today I have a statement ready like everybody else, and I have been involved in these testimonies for almost ten years and to me it's repetitious and we don't get anywhere. I think it's a justification for state of Nebraska just to have this meeting and make the state of Nebraska look good just so it's on record here. But you know

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today (inaudible) somebody (inaudible) be on the unresolved murders that's happened there, all the...we look at this alcohol as a chemical and we view it as genocide here because it's killing our people. Alcoholism is a disease that the state of Nebraska, Whiteclay doesn't even have a medical detox center. (Inaudible) and money that they get off of every can of beer that they're selling there. We talk about the Pine Ridge Indian Reservation provides medical EMS, public safety. We provide all those free services to the state of Nebraska, while the state of Nebraska (inaudible) off every can of beer. We're repetitious in our testimony. You know, we talk about the (inaudible) of our children, the fetal alcohol syndrome. Indian Health contract (inaudible) through Indian Health Service are being treated within two, three months when we get that money. Due to alcohol-related accidents on burial, our burial program, our fund is underfunded and we're depleting in burial funds. And we have a lot of tribal members, elderly, children, cancer patient, diabetes, you know, we have them waiting in line when we're dealing with accidents, you know, high speed chase out of Nebraska into Pine Ridge. There is a lot of alcohol-related accidents (inaudible) costs to the state of South Dakota or the state of Nebraska. The Indian Health Services is picking up all that cost (inaudible) and we do not sell alcohol on the reservation and yet we are, and we end up with (inaudible) of every effect alcohol has. And with our unfunded mandates that we have to provide these services, we don't have enough to cover any of and all of what's going on today. You know the state of Nebraska, you know, your tax revenues you get, every tax that's increased or decreased or however in (inaudible) Oglala Sioux Tribe or the Pine Ridge Indian Reservation, we don't see a penny of that. Our people are dying and we keep repeating ourselves here over and over and over, and we keep saying this repetitious. You're looking at how we're violating or there's violations to your act. Well, there is none. And today I'm not going to sit here and say look at that act and try to justify violations, because that's what you're looking at. No, we're here in desperate need, like everybody that testified, our medical services, our public safety, on the need for a detox center, and today I will give it back to the state of Nebraska. And I did (inaudible) write this stuff and I will turn it in. But you know when we talk about solutions, I think, Nebraska, this is your issue, this problem is yours, and I believe that with the

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revenue you get, you make enough to build a medical detox right there in Whiteclay. I believe you could set up a homeless shelter for our people that are there in Whiteclay. And I believe that you, the state of Nebraska, really need to look at how you're going to address these needs for the 14 members that you have there and hundreds of our Indian people that live in the streets of Nebraska, in Whiteclay. So today, you know, I come to this table because I've been at the table with the state of Nebraska in 2001, 2002, 2003, and now 2009. It's the same thing. We provide these hearings where we put everything on the table; nothing, we don't get nothing out of it. So...you know, and it is affecting our people. [LR199]

SENATOR LOUDEN: Did the red light come on (inaudible)? [LR199]

LYDIA BEAR KILLER: And, you know, when we talk about genocide, it's a chemical. You're putting chemicals into a human body which it's going to have effects, you know, short term, long term, well, whatever. But, you know, none of it's costing Nebraska. You are not picking up any of this cost. It's the unfunded money...it's underfunded funds that we get and we're providing all of this for you, the state of Nebraska. So I think today, you know...next year, you know, you're going to ask us to do the same thing and we're going to justify what you want. But today I think that we need to really look at (inaudible) state of Nebraska, you need to find solutions for Whiteclay. And, you know, we will deal with South Dakota. We have been addressing South Dakota and...but today, you know, (inaudible) hearing is on Nebraska so I guess, you know, to look at Martin, to look at Scenic or whatever else and try to point out fingers and blame South Dakota too, whatever. You know, today we're talking about Nebraska, Whiteclay, because it's only two miles. It's walking distance and a majority of the alcohol coming into Pine Ridge, it is that walking distance. [LR199]

SENATOR LOUDEN: Okay. Thank you for your testimony. Any questions from Lincoln?
[LR199]

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SENATOR KARPISEK: No, Senator. And thank you for the testimony and that is why we are here today, to try to find solutions, and that's why we're asking you, because you know the situation much better than we do. And we weren't here at those other times. We're a whole new bunch of senators. But we do appreciate your input and thank you. [LR199]

LYDIA BEAR KILLER: Thank you. [LR199]

SENATOR LOUDEN: I have some questions to ask yet, Senator Karpisek, before she leaves the microphone there. I was at the 2003. I was here I think in 2005. I was...this is probably the third one of these meetings I've had. Some of them have worked out. I think the \$100,000 cross-deputization was a mistake to start with. The money could have been better spent, but that's neither nor there. That's all history. But what I'm wondering is since you're on the tribal council, that's correct? You're a member of the tribal council? [LR199]

LYDIA BEAR KILLER: Yes. [LR199]

SENATOR LOUDEN: And do you...(inaudible) question asked is how come you...you don't allow liquor sales on the reservation? Now is that something that the tribal council has considered or what? Because once that ever happens, it would dry up Whiteclay and it would probably dry up the liquor sales in some of the other, Rushville and Gordon. I mean I can walk into a liquor store down in Gordon or Rushville, and there in the corner is all these bottles tied up in brown paper bags. Now that isn't for local use. That's to be shipped out someplace. So I mean it isn't just Whiteclay. It's all the way around. I have problems getting answers about what's coming out of other towns but do you, do you, as a tribal council member, would consider legalizing sale of liquor on the reservation? [LR199]

LYDIA BEAR KILLER: Yes. You know, I served in 2004 and in 2005, you know, there

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was an intention to put it up for a vote, but we got stomped on and we got Whiteclay, you know, the liquor store owners, the off-sale liquor store owners, paying our people out there so that this won't happen. And we had a lot of money, you know, coming in from Whiteclay to stop this vote, not even get it out there on the ballot. And so should that happen, you know, we don't know, we didn't know if it was going to be voted on or not voted on. Because the other thing that we did look at is all the disparities, the medical and all the effects. You know, the generational effects of alcoholism is the brunt of our problem or issue for Oglala Sioux Tribe. But really, you know, we (inaudible) opposition from Whiteclay on people that were sending their alcohol and, you know, paying people to stop the vote, and it didn't happen. [LR199]

SENATOR LOUDEN: I know. I remember that. In 2004, I think that's when Senator Johanns or Governor Johanns was out and I think we met in one of those places up there. I was with him, I think it was in 2004. It was shortly after that that the question was raised. Now I would ask you then if you have...having illegal sales of liquor on the reservation, why don't you legalize it and make that money yourselves instead of the bootleggers that I've understood make thousands and thousands of dollars, a huge, huge amount of money? They're not living in Whiteclay. They're living on the reservation. What's your thinking? Are there enough tribal...members on the tribal council to bring that about for a vote? [LR199]

LYDIA BEAR KILLER: Well, I guess for one thing, you know, it's not a tribal council issue. It's an Oglala Sioux tribal membership issue. [LR199]

SENATOR LOUDEN: Yeah, but the tribe, am I correct, the tribal council has to decide whether or not they want to put it on a ballot to vote? [LR199]

LYDIA BEAR KILLER: Yes, it is, and that's what we tried, but you know when we...we see the effects of alcoholism, you know, no matter where you're looking at, but Whiteclay the most. Because if you look at our people that are on...our homeless people

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in the streets are getting younger and younger, and cirrhosis and medical (inaudible) is killing our people at a younger age. [LR199]

SENATOR LOUDEN: How many...what's the...how many people are on the reservation now? Do you know? [LR199]

LYDIA BEAR KILLER: Right now, from the bureau, we have like 54,000. [LR199]

SENATOR LOUDEN: Okay. And that's increased considerably over the last, what, ten years or so? [LR199]

LYDIA BEAR KILLER: Yes. [LR199]

SENATOR LOUDEN: Okay. And do these people, you know, they certain must ought to have jobs for them for an increase in population like that, because that's probably one of the largest growing areas in the state of South Dakota. Would that be correct to say? [LR199]

LYDIA BEAR KILLER: Yes, we are really increasing, but we're also not...we're Pine Ridge, you know, we're (inaudible) and we're federally dependent out there in Pine Ridge. And that's why this alcohol...Nebraska, Whiteclay affects us the most because you're only two miles on the road. When you look at the other places, it's 20, 15, 20 miles, you know, away from the reservation. Whiteclay is just walking distance. [LR199]

SENATOR LOUDEN: Well, Martin isn't that far from the reservation, is it? [LR199]

LYDIA BEAR KILLER: But it's 18 miles... [LR199]

SENATOR LOUDEN: Yeah. [LR199]

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LYDIA BEAR KILLER: ...from the reservation line. [LR199]

SENATOR LOUDEN: Well, yeah, but it's closer than Rushville or Gordon would be, isn't it? [LR199]

LYDIA BEAR KILLER: You know, on the other hand, too, well, we were all a part of the solution (inaudible). I guess repetitious, you know, we say here this (inaudible) issue over and over. I guess one of the recommendations that we asked was that if the state of Nebraska (inaudible) changes in Whiteclay and (inaudible) no illegal (inaudible) on alcohol on commission, and then I think you need to add \$1 for each can of beer that's sold on top of what you're selling it today and earmark that \$1 to help with all of the disparities that the Pine Ridge Indian Reservation is dealing with today. [LR199]

SENATOR LOUDEN: Okay, very good. Well, thank you for your testimony. Our next testifier would be Doyle Pipe On Head from housing. [LR199]

DOYLE PIPE ON HEAD: Good afternoon, Senators. My name is Doyle Pipe On Head. I work with the Oglala Sioux tribal housing and I'm the assistant CEO and I'm here on behalf of our tribal housing organization. Let me start off this afternoon by saying that I think, with regard to housing, we're like any of the other tribal programs that are severely underfunded. According to our estimates, we're funded probably about 50 percent of the level that we should be and that's typical of a majority of our tribal programs. So a lot of infrastructure is not there for addressing these issues that (inaudible) as a result of alcoholism and only compounds the problem that Whiteclay is causing. And I do believe that there is some merit to looking at the problems that come from the sales of alcohol in Whiteclay, just because of the amount of alcohol that is sold, and the majority of that goes into Pine Ridge. You don't see many cars going towards the Nebraska side. A lot of the cars that go there to buy alcohol (inaudible) returns to Pine Ridge Indian Reservation. And from the housing perspective, the bulk of the (inaudible) that results to our tribal housing is caused by the effects of alcohol. And I

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think that we can easily state that (inaudible) maybe three-fourths of our damage that is caused in our units is the direct result of alcoholism. And I think on a year-to-year basis we budget in at least \$1 million or \$1.5 million just for materials alone to address the damage that's caused to our units. And that's not counting the labor. I think if you look at the labor part of it, it probably doubles what we (inaudible) as far as the cost of materials. So from one year to the next it's probably anywhere from \$2.5 million to \$3 million worth of damage that (inaudible) for the units that we manage. That's, as I stated before, this is probably only about 50 percent of the resources that are needed to address the damage that's caused by the results of alcoholism. And (inaudible) see what else. In terms of other issues that are related to alcoholism, we also have the effects of (inaudible) show up in the courts in terms of gang activity, other types of domestic problems, and those are all the effects of alcohol, and a huge amount of alcohol sales are sold in Whiteclay. And I think if you look at the long-term perspective of the results of all of those sales, the people are the ones that are really suffering, from this huge amount of sales, of alcoholism. And one of the other issues that alcohol does impact is the area of law enforcement because we have...a lot of our policies are related to having adequate law enforcement. Because our law enforcement area is severely underfunded, we have large problems in the area of housing management, so it impacts us severely when you look at the issues of alcoholism and the amount of other issues that are directly tied to that. Let's see, I think one of the other areas that I've heard in terms of the Indian Health Services, the IHS, that supervises or overmanages the healthcare for the reservation, I've heard statements about their services being funded at about 50 percent. Also, I've heard statements about a lot of their issues being tied directly to the use of alcohol and alcoholism. (Inaudible) recommendations for approaches to fix this is I think the sales of alcohol need to be severely curtailed in Whiteclay, and then also the idea of funding a detox center I think will make a big difference, make a big impact. Then We would also...I would also like to see assistance with different tribal programs that deal with the infrastructure that's needed, and those would be my three recommendations to the Legislature, I think. And I'm open for any questions. [LR199]

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SENATOR LOUDEN: Any (machine malfunction)... [LR199]

SENATOR KARPISEK: No questions. [LR199]

SENATOR LOUDEN: (Inaudible). What did they say, no? [LR199]

SENATOR KARPISEK: No. No questions, Senator. [LR199]

SENATOR LOUDEN: (Inaudible). [LR199]

SENATOR KARPISEK: No questions, Senator. [LR199]

SENATOR LOUDEN: (Machine malfunction)...for your testimony then. Next testifier would be Bob Larson. [LR199]

BOB LARSON: Ready? My name is Bob Larson. I'm a former pastor and preacher and I'm going to put my watch right there so that Senator Louden doesn't call me out of time. (Inaudible) I know there's a clock up there, too, but (inaudible). (Inaudible) that's just me. Okay. I want you to get to know me a little bit better. I grew up on a farm near Arapahoe, Nebraska, graduated from high school in the area in '63, went on to Dana College in Blair, Nebraska, majoring in...I had a double major in religion and philosophy. At that time I was on a pre-seminary track, but because of personal family issues that wasn't the time. And so I spent 18 years in the business world. In 1985, I could no longer say no to the seminary and entered Luther Seminary in St. Paul, Minnesota. That was a four-year program, and following my graduation from there I spent a year in a training program at the Hazelden Foundation in Center City, Minnesota. I was a chaplain trainee, worked on the floor with patients, first with women for six months and then man for six months. It was (inaudible) experience for me (inaudible) reasons. One is I learned an awful lot about alcoholism and the effect it has on families. And the

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stories I've heard here today are absolutely true. That's what an alcoholic can do in a family. I learned an awful lot about me, some of which was very hard, and I learned an awful lot about what it means to be in service to others. My career in ministry began in Nebraska. I was assigned to the Nebraska Synod. I began in Central City, Nebraska, where I was there for about three years...or about eight years, excuse me; moved on to Bertrand for a few months and then to Ewing for a few months; took a short break there and then ended up in Hooper, Nebraska. But while I was in Central City...I'll get to the point. While I was in Central City, I completed my doctorate in ministry. My last call was to two congregations around Rushville and Hay Springs. I lived at the congregation in Rushville, which was three miles west and six and a half miles south of Highway 20. When I first arrived in Rushville, I was told to be sure to lock my car doors, especially when it got cold. And so I asked why, and I was told that you could have a drunken Indian in the backseat trying to find a warm place to sleep it off. In my experience the phrase "drunken Indian" was a tautology. It was just language and it was nothing but pure racism. I grew up in the sixties. I was a part of the civil rights movement. As a matter of fact, several of us from Dana College went down to Lincoln to testify or (inaudible) presence at the hearing concerning redlining in mass. Redlining is no longer...happens in Nebraska. In the seventies I was involved or I really considered myself to be a feminist because I couldn't understand why that, as a culture, we would eliminate 53 percent of the population as productive members of society. It just seems like I've been advocating for peace and justice issues my entire adult life. And I get to Rushville and I get this racism that makes my stomach turn. I was invited here to speak about the issues surrounding the sale of alcohol at Whiteclay and the consumption of alcohol on the reservation and, in addition, I've been asked to make a statement concerning the moral and legal obligations of Nebraska authorities. Morality and law go hand in hand. By and large, we are all moral characters. We understand the difference between right and wrong. We try to do the right and we try to avoid doing the wrong.

[LR199]

SENATOR LOUDEN: You've got about a minute left. [LR199]

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BOB LARSON: The obligations on all of us is to be there. I don't have time to finish up with my oral presentation. I have reached five conclusions. I've listened to the testimony; I've heard others. I know the anecdotal evidence. I have never seen it personally. I know the sheriff of Sheridan County. And like on football teams and so forth who will remove a coach, it has nothing to do with their abilities or anything, but they need a clean slate. I think Sheridan County needs a new sheriff. Terry will be testifying right after me. (2) I think there should be only one liquor license in Whiteclay. One would be a lot easier to enforce the laws on it than four. (3) We need strong and strict law enforcement of that one establishment. It will cost money but what you've heard today is what we are doing now is costing a lot of money, and my sense is that it would be cheaper to do it right than to do it wrong. (4) We need to have a continuous conversation between the authorities of Pine Ridge and the authorities of Nebraska. For example, if the authorities in Pine Ridge see an impaired driver headed for Whiteclay, that the Nebraska authorities would be notified to be on the watch for this (inaudible) person to make sure that they aren't going into a liquor or a beer joint and buying more beer. You know, a little Breathalyzer wouldn't hurt there. And (5), we need to develop creative ways of dealing with offenders which is less expensive than our current way. [LR199]

SENATOR LOUDEN: Okay. Thank you. Very good. Are there questions from Lincoln? [LR199]

SENATOR KARPISSEK: I don't see any. I would just like to say thank you for some of the ideas you have. I don't want to say anything about a new sheriff. I don't want to get us in that situation. But I think you have some good ideas and that's what we're looking at today is what can we do and where do we need to go with this. So I appreciate your testimony. Thank you. [LR199]

SENATOR LOUDEN: Our next testifier will be Bruce BonFleur, from Whiteclay I guess.

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Yeah, go ahead and get on the mike there. We're on the air. [LR199]

BRUCE BONFLEUR: I am willing to give up 30 seconds of my time (inaudible) question if you want to. Good afternoon, Senators. My name is Bruce BonFleur and I appreciate your time. I know you're getting weary of hearing all kinds of information. I need to ask you all a question up front. Did you receive the calendars that I sent you? [LR199]

SENATOR LOUDEN: Go ahead. [LR199]

SENATOR KARPISEK: No, we have not received those. [LR199]

BRUCE BONFLEUR: Because, see, whether you got those or not determines what I say right now. Let me say this (inaudible) on a personal note. I was born and raised in central Florida but I've been a resident out here for the past almost 12 years. When I was 16 years old I was a day camp counselor for the YMCA, and one of the field trips we took when we worked with kids was to a place called St. Augustine Alligator Farm. And when we went in there, it was overcrowded with alligators. There were alligators that were diseased, there were alligators dead, floating in the water. There were wounded alligators with legs and parts of their bodies missing. And I was in shock at 16 years old. But I believed back then in the goodness of men and women and I believe that God establishes a leadership and allows people to be in authority so they'll make the right decisions for the most people. So when I went back home I wrote a letter, at 16 years old, to the governor of the state of Florida, Claude Kirk, and what I told him about the conditions there. He sent me back a letter very quickly and this is what he said: Thank you for the letter, Mr. BonFleur. It sounds atrocious. I have ordered Dr. Fry (phonetic) who was head of the Game and Fresh Water Fish Commission in Florida to see that Gatorland--that was the name of the place--is either cleaned up or closed down. And ever since that time, I have had faith in government. So I challenge you...and I want to say to Senator Karpisek and Senator Coash, thank you for taking the time to come to actually personally visit and see what the situation is in Whiteclay. Thank you

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for that time. Most people will not do that. Even (inaudible) politicians and (inaudible) politicians, to my knowledge, and I've been in Whiteclay for over five and a half years, and I've yet to see one of them--one--of the local, either county commissioners or a senator, even ever stop by our place, and we're kind of in a prominent place. We're right next to two beer stores and everybody knows (inaudible) of Whiteclay is. You need to come. You need to see it. So you're going to get a calendar. It's 12 pages of information. And the first part of that is some stuff that you already know but things you haven't seen, and there's an introductory letter, a thank-you for your time and it says this. (Inaudible) a picture is worth a thousand words. And so rather than try to overburden you with any more thoughts and some words, I sent you pictures of what it's like to be on Whiteclay. I've been there for five and a half years, nearly every day of my life in the last five and a half years. There are some things...you are asking for specifics. I'm just going to use the balance of my time for that. In the centerfold, when you get your calendar, it's in the centerfold, it says this: The central issues and some reasons for continued existence. In my opinion, one man's opinion--I consider myself an expert, by the way, on Whiteclay right now. I've been there enough to see what goes on, the first signs of this, and I understand all the forces at work, good and bad and indifferent. These are the issues: inadequate law enforcement. And I list the reasons why these things are like they are. You know, I feel for Terry Robbins, the sheriff. I can't believe he hasn't thrown his hands up and quit already. He needs to have staff there. Whiteclay is a full-time problem and it needs a full-time solution once and for all. The second main issue in my opinion, and this is a big one for me, is health and public safety. And by the way, I have a half-dozen extras here if anybody in the audience wants these calendars that the senators are getting. This is a huge thing. Right now, there's an agency, the Panhandle...the (inaudible) Community Partnership organization has \$30,000 right now to build a public restroom in Whiteclay. One of the things you could do is fund the labor to build that. So health and public safety in that. There are people defecating, urinating, and doing everything else that can possibly come out of a human body, on the street, everyday in Whiteclay. And frankly, I'm pretty sick of it. There are days when I have to step over human feces to get into our building. (Inaudible) restaurants. There are

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days...can you imagine trying to operate a business or a ministry or anything anywhere where the stench from human defecation and urine is so bad that it permeates concrete block walls and you cannot work in your business. This is the situation that exists in Whiteclay. It is a hostile business and shopping environment and there are explanations of that. You can look at that later. Also, the fourth issue is abandoned structures and neglected properties. Sheriff Robbins told me recently, I came out of the post office a couple months ago and there was a fire truck and his car and some other vehicles, emergency vehicles, in front of a wooden structure, a house that is right next to our building. We have a 7,500 square-foot building and a 5.5 acre property known as Green Tipi Gardens. Next to our building is a structure there, that he told me over 20 times in the last several years they've had (inaudible) 911 fire emergency calls to come to a fire in that building. In your calendars you're getting, you'll see men standing over an open flame, drinking beer inside of that structure. This is allowed to exist. Okay, it's ridiculous. I've never been any place in my life where officials refuse to deal with these kinds of issues. These property owners need to be held accountable. Who is going to do that? There's a lot more to this and my time is running out. I would just refer, when you do get your calendar, to please look at the last page. This is--I think I've got 30 seconds left--this is what I've learned, what we've learned in the past 5 years, 7 months, and 8 days in Whiteclay. The street people of Whiteclay, and that's what I'm talking about in Pine Ridge (inaudible) to them, they are all worthy of our respect. Many of them honorably served our country in the military and deserve better. They are entitled to our help. We've been blessed and we are called to be a blessing. Sometimes this may be in the form of shared food, clothing, shelter, or maybe even a job. And the third thing I've learned is they're able to help themselves. We have found time and time again, I can give you numerous cases where I have hired, and other businesses in Whiteclay have hired people who are drinking on the street and giving them something to do, they will stay sober the entire time they have something to do. Finally, on the last page are the positive things that you're talking about. This is entitled "Promise, progress, and possibilities in Whiteclay." We could use funds from the state of Nebraska to start a day labor program in there and a GED program. There are buildings and empty buildings

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and space that can be leased or purchased or condemned (inaudible) and create a recycling center to provide jobs. There's a lot of positive things. (Inaudible) businesses in Whiteclay, even the beer businesses (inaudible). They're not all bad. They're not all bad. So the bottom line is this: beginning to do something is half done. It is time that we just do it and (inaudible) organization, we are not for profit registered in the state of Nebraska. Been there for over five years. We stand ready to work with anyone who is tired to seeing the situation that exists there, remain there. And we have some concrete...we have stats and figures on how you could spend tax money and revenues specifically. I would love to have a chance to talk to you more about it. Thank you for your time. Do you have any questions? [LR199]

SENATOR LOUDEN: Questions from Lincoln? [LR199]

SENATOR KARPISEK: Senator Coash. [LR199]

SENATOR COASH: Thank you, Mr. BonFleur. This is Senator Coash. My family lives right there in town, probably knows you real well, and I want to thank you for finally bringing to this committee a real solution. I'm very, very interested in your store. And you mentioned you need some money. Let's talk numbers. What do you think it's going to take to get that...to get the things you just discussed up and off the ground? [LR199]

BRUCE BONFLEUR: I may be wrong. You might know the figures (inaudible) but I figure they're \$200,000-some. I don't know if this is beer and excise tax or if that's the sales tax. I don't know what comes out of Whiteclay. I don't know exactly what it produces. But I would say that would be a starting point that you could show good faith on the state of Nebraska, if you could say, yes, we are going to designate this for specific purposes. I think the detox center is a good idea. And by the way, I'm privy to some private information that there are negotiations going on with committees on the tribe right now--nobody mentioned this--to establish a detox center just outside Whiteclay. My understanding is that the tribe is going to donate property to do that.

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Nobody said that but I know that for a fact, okay, that this is in negotiation and needs to be said. You need to know that. There's other private investors and there are (inaudible) investors I think that would work together. So I think to answer your question, I think \$2 million or whatever that is, it was largely for a detox center (inaudible). You know, I would refer you all to a Web site. I don't know the Web site but if you do a search on the computer just go to Gallup, New Mexico, alcohol problem, you can pull up results. It's about a 20-page report by a major foundation (inaudible) it is a private foundation. But in Gallup, New Mexico, they have it even worse, if you can believe, than the Whiteclay situation, and they've made major gains. And that was (inaudible) because they have cooperated across all kinds of lines: racial, ethnic, you know, whatever lines, and they've come together and made a world of difference, and we can also. And, you know, the breaking...the camel that broke...I listened for five years. It's not easy for me to be a patient person and wait, but that God helps me on that, okay. And I had to feel like I established a sort of a level of credibility being in Whiteclay before I could speak as boldly as I'm speaking to you now, if I can. But when the state of Nebraska put the sign up, again, that said, "Welcome to Nebraska, the Good Life, home of Arbor Day," it was an insult to me and it's an insult to every person that sees it every day. It just has to change. This has to change. There are some positive people that have to want to see it. We are among them but we're not the only ones. So, you know, hope to hear from you. Any other questions? [LR199]

SENATOR LOUDEN: Any other questions from Lincoln? [LR199]

SENATOR KARPISEK: Mr. BonFleur, this is Senator Karpisek, and I want to say thank you, too, for showing us around out there. And you don't understand until you do see it, and I'm glad that we were able to come and see it. I do want to apologize that this hearing isn't in Rushville and all of us there. That was the intention. If I get reelected, I do plan to come out and have a hearing out there or at least myself come out there and be boots on the ground again, and try to work with the people who want to work. I'm sure that we will have some sort of legislation coming, in the next session, dealing with

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some of the issues there. We're not going to fix everything overnight. But we are talking amongst each other, too, and trying to figure out what to do, what will work, maybe what won't work. But we definitely need everyone's opinion out there, because us trying to force something on the people out there I know will not work. And that's not what we want to do. We want to help. So I appreciate your hard work, and thank you. [LR199]

BRUCE BONFLEUR: It wasn't me that gave you a tour. The day that you all were here, back in March, was the day that the Governor had...I had a private meeting with the Governor of Nebraska. So at the start of this conversation with the governor of Florida ended with the Nebraska Governor. And I challenge you, Governor Heineman, if one of your reps is there or you hear this or read this, you need to do what's right and you need to start moving, and I hope the Legislature will back that. Thank you. [LR199]

SENATOR LOUDEN: I have questions for you. When you talk about some of these buildings now, I introduced legislation that you can get money that comes out of the Environmental Trust for deconstruction. There is money available to do that. [LR199]

BRUCE BONFLEUR: Great. Okay, I wasn't aware of that and it's one of the things (inaudible). [LR199]

SENATOR LOUDEN: And I think you have to go through the Department of Environmental Quality or something like that... [LR199]

BRUCE BONFLEUR: That would be great. [LR199]

SENATOR LOUDEN: ...in order to get that funding. [LR199]

BRUCE BONFLEUR: And there are federal funds to do that too. But you know, what? It seems like, Senator, that, you know, we'll (inaudible) people who own actually probably a majority of the actual acreage or property in Whiteclay are the ones who own all of

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these buildings. All the same family owns these buildings. They refuse to rent them or to sell them or to do anything to improve... [LR199]

SENATOR LOUDEN: Do they still pay the taxes on them? [LR199]

BRUCE BONFLEUR: They may. [LR199]

SENATOR LOUDEN: Okay. [LR199]

BRUCE BONFLEUR: But, you know, what? They need to take care of them too. (Inaudible.) [LR199]

SENATOR LOUDEN: (Inaudible) when you mentioned law enforcement, several years ago, you know, we had a state sheriff just set up for Whiteclay there. Jim Talbot was in there. He was state sheriff for a long time. Now would something like that be an improvement, if you had one? [LR199]

BRUCE BONFLEUR: Absolutely. [LR199]

SENATOR LOUDEN: Okay. Now do you have anybody in mind that's a local citizen that would take a job on like that? [LR199]

BRUCE BONFLEUR: I don't know. I haven't thought that far down the road (inaudible). [LR199]

SENATOR LOUDEN: Okay, but (inaudible). [LR199]

BRUCE BONFLEUR: That will solve it. If you want to clean up the street in Whiteclay, you know what? A lot of full-time law enforcement (inaudible) clean up Whiteclay by doing one thing and that is to stop what is an ongoing transaction, and that is every

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time, just about, somebody who drives up to buy beer at a beer store, someone, a (inaudible) runs out to meet them and accosts them. And then to get rid of them--and I understand that from a human standpoint, behavior standpoint, they hand them change and they hand them a beer or they hand them a six-pack to get rid of them. If you stop that one thing, because by the way, when (inaudible). [LR199]

SENATOR LOUDEN: Are we talking about panhandling then? [LR199]

BRUCE BONFLEUR: Absolutely. That's what keeps Whiteclay (inaudible) Whiteclay what it is. If you stop panhandling, if you dry up the source of money to buy those beers and things, what are they going to do? They've got to go somewhere else so (inaudible). [LR199]

SENATOR LOUDEN: That's the reason Jim Talbot was hired at that time as state sheriff, because he was a native of that area there and he knew his way around. That's the reason I asked. If you come up with some names, perhaps we'll present it to the Legislature and to the General Affairs Committee to see if we couldn't do something like that, because it doesn't work for the next three patrolmen on duty to go up there and patrol. You've got to have somebody there nearly all the time. The sheriff doesn't have the budget to do that with. [LR199]

BRUCE BONFLEUR: Exactly. And that's one of the things I say in here. [LR199]

SENATOR LOUDEN: It's the (inaudible) from the state. [LR199]

BRUCE BONFLEUR: Right. [LR199]

SENATOR LOUDEN: Okay. Well, thank you for your testimony. [LR199]

BRUCE BONFLEUR: Appreciate it. [LR199]

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SENATOR LOUDEN: Let see, the next testifier will be Terry Robbins, the sheriff of Sheridan County. [LR199]

TERRY ROBBINS: My name is Terry Robbins. I'm the sheriff of Sheridan County. I've been with the sheriff's department for 30 years, part of it as a deputy and then I was voted in sheriff in '94 to the office of sheriff in '95. (Inaudible) as has been stated here today, that, you know, I have myself and five full-time deputies for Sheridan County, which is 2,480 square miles. Also do have a part-time contract with the sheriff of another county to help take care of the Highway 2 on the lower end of Sheridan County. Whiteclay sits on the northern end of Sheridan County, as you all know. And there are 14 businesses in Whiteclay. Four of them businesses do sell beer, among other things, but there is 14 businesses in the town of Whiteclay or village of Whiteclay or whatever you want to call it. Our routine includes as much time as possible in Whiteclay to take care of the problems we have up there. There's a lot of times that very few people here see us in Whiteclay because a lot of times all the businesses are closed in Whiteclay when we're there, and this is a safety issue, and basically it is what they talk about, the street people. We try to make sure that these people are safe. Like this time of year, we try to load them up with the help of the public safety and Pine Ridge, giving them a place to stay. I realize that is an expense for the public safety people but they will a lot of times allow them to spend a cold night in the tribal jail. But we're working, trying to save their lives and not worry about the expense or whose expense it is to do that. Alcoholism is not just a Whiteclay problem. Probably 80 percent of all inmates in the Sheridan County jail, the reason that they're there is due to alcohol or drugs. That's the underlying problem. They may be there for burglary or assault or theft or something like that, but it has to do with alcohol or drugs and that just don't come out of Whiteclay. It comes out of Gordon, Nebraska; Rushville, Nebraska; Hay Springs, Nebraska; the county that don't have a city; I mean, family fights and stuff like that. A lot of times or a majority of times it has to do with alcohol or drugs. So I feel sorry for the Oglala Sioux Tribe. They're trying to stay dry in their nation. I agree with that. If that's what they want

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to do, that's their right. But a lot of what they're concerned about is not enforceable in Nebraska because we have different laws on alcohol than they do. Basically, that's about what I have to say. [LR199]

SENATOR LOUDEN: Okay. Thank you, Terry. Questions from Lincoln? [LR199]

SENATOR KARPISEK: Senator Coash. [LR199]

SENATOR COASH: Thank you, Sheriff. I appreciate your testimony today because I did have some questions about enforcement of liquor violations on Whiteclay. Some of them that we've heard in this committee, several times, is a lot of different kinds of alcohol violations that happen there in Whiteclay, things like selling to intoxicated people, selling alcohol on credit, selling alcohol in trade for EBT cards. And I'm really hoping that we'll get some testimony today that will corroborate that because so far these are just things that kind of seem...it's not that I don't believe them, but they've only been presented as hearsay. They've been presented as, well, I know people who are doing this. And we continue to hear that. Maybe we'll get some validation of that through the end of the day. But if you could, Sheriff, could you talk to...or could you speak to the issue of those kinds of violations and what kinds of things you've been able to...I mean, have you been able to catch these kinds of law violations? Have you tried? Or what's your opinion of these things happening and how do you go about enforcing the liquor license laws around those areas? [LR199]

TERRY ROBBINS: The rumors that you guys heard, we, between my department and the State Patrol, we have tried to get people that knew something about this so we could prosecute it. So far, all my investigations on that have...nobody will come forward and say, yeah, this happened to me or, yeah, I've seen this, or anything like that. They just say, well, I was told that, you know, there was performing sex for alcohol or something like that. But as you well know, you have to have evidence to prosecute anything like that, or at least a witness that will actually come forward and say, yeah,

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this happened to me. Years ago, we even tried to get one of the female officers that worked for the tribe, that didn't work for the Pine Ridge area, that worked in the outer districts, to come in and be an undercover and see if this was happening. We were unable to get anything off on that. So, yes, these rumors are maybe not rumors, but I get them second-, third-, and fourth-hand, and we have not been able to substantiate any of those. [LR199]

SENATOR LOUDEN: Other questions from Lincoln? [LR199]

SENATOR KARPISEK: Sheriff, this is Senator Karpisek. You brought drugs up quite a few times, and is that a big problem? I realize alcohol is a big problem. Are drugs half the problem, a fourth of the problem? And what do we do about that? If we take the alcohol out of Whiteclay, do drugs replace it? [LR199]

TERRY ROBBINS: On marijuana, different things, that that's a crime to smoke marijuana, use marijuana, because if they did, it would have laws that were more than \$100 or \$200 fine. And that is a major problem. In fact, this morning before I come to this meeting, we served a search warrant and we got a small amount of marijuana. Drugs travel through my county to the Oglala land. We've had some of the stops with large quantities of marijuana, meth, and cocaine. And when I say large quantities, is...I mean, not like they get on the Interstate 80 or 90, but for our area it is a large quantity. You know, 9 pounds of marijuana, 13 pounds marijuana, marijuana and cocaine packaged for sale, stuff like that. So, yes, it's growing. It's a growing problem and the trouble is that if some of the drugs that are out there today are cheaper to buy than alcohol, and they're more dangerous at the moment while they're on the drug than alcohol is. I'm not saying long term. I don't know about long term, but I know alcohol is a problem for long term. It causes many problems with your body. But drugs are on the rise in our area, yes. [LR199]

SENATOR LOUDEN: Other questions from Lincoln? [LR199]

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SENATOR KARPISEK: No, Senator Louden. Thank you, Sheriff. [LR199]

SENATOR LOUDEN: Thank you for your testimony today. The next testifier is Faith White Dress. [LR199]

FAITH WHITE DRESS: Thank you for letting me speak here, senators of Nebraska. And I thank you for being interested in people that are living in Whiteclay. Some of those people are my relatives. And I'm not sitting here, saying that I'm a perfect person to say anything, because I'm not, but I do...I'm really concerned about this issue. And I want (inaudible) to move back to Pine Ridge almost 12 years ago. When I moved back here and I saw the activities that were going on in Whiteclay, I didn't want to shop there. I didn't want to get gas there at the time. I never thought that I would be with my whole entire money spending into the area there, but after what I went through on the Pine Ridge Reservation I decided to move my (inaudible) to Whiteclay. I shopped in all the stores there and I have been with (inaudible) even for some time now, and in a month or so I'm going to be opening a small business, a craft sale business there in Whiteclay, with the help of the (inaudible) group. And the concern that I have today about this alcohol and the liquor sale there is I'm really concerned about the malt liquor sale, because it's affecting and addicting the young people faster than anything. And this malt liquor is what the street people stay in Whiteclay to purchase because it costs \$1.50 to get one can, and that's my big concern here. You've heard of all the other social issues and everything. And the other thing that I want to mention is since I moved back almost 12 years ago, this is the sixth term of the tribal government office that is sitting that I have been through, that I have seen come and go. And so I don't know how anyone can address those issues, but if there were a stronger government with more time to not spend all of the money that comes in for tribal or whatever they do with it, to invest in the young people, I think that would help a lot with what goes on with our people and that's what I'd like to say. [LR199]

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SENATOR LOUDEN: Questions from Lincoln? [LR199]

SENATOR COASH: No questions. Thank you, Senator Louden. [LR199]

SENATOR LOUDEN: Ms. White Dress, you're opening a business in Whiteclay?
[LR199]

FAITH WHITE DRESS: A small business from the (inaudible) group. It's a craft sale.
[LR199]

SENATOR LOUDEN: Okay. And how come you didn't open that over across in Pine
Ridge? [LR199]

FAITH WHITE DRESS: Well, I did apply for an empowerment zone grant, but I was
denied that grant. [LR199]

SENATOR LOUDEN: I see. And who denied that? Was that a federal deal or was
that...? [LR199]

FAITH WHITE DRESS: The tribal district, I guess. [LR199]

SENATOR LOUDEN: And then in Whiteclay you didn't have to apply for that zone?
[LR199]

FAITH WHITE DRESS: No. I'm applying for the licenses to have the Nebraska tax and
all the other taxes that go with that. [LR199]

SENATOR LOUDEN: Okay. Your sales tax... [LR199]

FAITH WHITE DRESS: Yes. And if anyone helps me with this, you know, (inaudible) get

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paid, whatever taxes come with that, I'm still learning but this is what I've been doing. And I've been protecting my family on my own without the help of law enforcement, almost, because they don't come whenever they're called, and that's been over almost 12 years. And so I have the home business now and I will have a place to do this in Whiteclay. [LR199]

SENATOR LOUDEN: Okay. Now do you feel that if there was some type of a full-time peace officer in Whiteclay, would it help your situation as a... [LR199]

FAITH WHITE DRESS: I think so, because that is a concern of mine. I know that there have been things taken from the craft store, you know, that we have. But it has been gotten back to the sheriff, so I have a lot of trust in that, you know, that something good will come of this meeting today. [LR199]

SENATOR LOUDEN: Okay. Well, good luck with your endeavor and thank you for your testimony today. [LR199]

FAITH WHITE DRESS: Okay. Thank you. [LR199]

SENATOR LOUDEN: The next testifier will be William Broken Leg. [LR199]

WILLIAM BROKEN LEG: Good morning, Senators. I'm William Broken Leg and I'm a recovering alcoholic. And I know that you guys are busy people and I feel that that there can be things done in Whiteclay that can stop the sale of alcohol because it was done before. And I saw a positive thing happen on the reservation where when they stopped the sale of alcohol on the reservation everybody ran towards South Dakota, they went to Oelrichs, they went to Martin, they went to different areas. Some went to Rushville. But, you know, it scares bootleggers too; it really did. And I used to work for bootleggers at the time and it did scare a lot of people on the reservation (inaudible) Whiteclay (inaudible). I think something should be done about it because there are people dying

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there all the time, and I could have been one of the statistics. But I've been sober now for...today is my birthday so I've been sober now for a year and four months, and I'm really glad for that. And I hope that you can get something going with this stopping of alcohol on the reservation because a lot of young people are dying. A lot of older people are suffering also because there's a lot of abuse going on, on the reservation, with the elderly and that is a concern of (inaudible), very good, because our elderly are getting older and they can't take care of these problems on their own. And as a member of the (inaudible) there, the problem is usually way out of hand. And I think the alcohol sales, if they were stopped completely, it would be the best thing because it would scatter a lot of bootleggers. A lot of bootleggers would have to work overtime, and (inaudible) be able to stop these bootleggers and it would be able to stop a lot of things that are going on. With that, I'll (inaudible) and thanks for listening. [LR199]

SENATOR LOUDEN: Questions from Lincoln? [LR199]

SENATOR COASH: No questions. Thank you for your testimony. [LR199]

SENATOR LOUDEN: Tom Cook. [LR199]

TOM COOK: Thank you, Senator Louden, and good afternoon, senators of the Judiciary Committee and General Affairs Committee. I say a hearty thank you for your interest in this issue and your hearing held today. My name is Thomas K. Cook, T-h-o-m-a-s K. Cook, C-o-o-k. I am a member of the Nebraska Commission on Indian Affairs, representing the northern Panhandle for ten years now. I'm also the president of the Chadron Native American Center, a 20-year-old organization representing the 1,600 Native Americans living in the Panhandle of Nebraska, including this entire region of your interest today. Last night, we held a session, a board meeting about this hearing today. And the board authorized me to come and to present four issues of primary concern to us who live in this Whiteclay region and are familiar with all aspects of it. The first is to somehow, for the Nebraska Legislature to reverse the momentum of the

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southward flow of everything from the Pine Ridge Reservation border on south. The very reason that we have the sink hole of Whiteclay sinking not only physically of feces and urine every time you go down the byways beside the (inaudible) street, sinking morally and financially, just as so many people and senators that are interested have been saying, that it began with the (inaudible) of the buffer zone of Pine Ridge Indian Reservation set forth in the congressional act, federal law enacted March 2, 1889. Section 1 provides (inaudible) buffer zone in present Whiteclay, Nebraska, for the purpose of protecting the Pine Ridge Agency from the propagation, the whisky peddlers. That was the intent of Congress. However, in 1903 the county commissioners, the senators from this region, the good governor, persuaded...requested President Theodore Roosevelt to remove the barrier, remove the Nebraska extension from the Pine Ridge Agency. Because the (inaudible) do not need protection from the whisky peddlers. (Inaudible) would be from the (inaudible). And (inaudible) from the representatives of the good life here, President Roosevelt, by executive order of January 1904 removed the... [LR199]

SENATOR LOUDEN: You've got about a minute, Tom. [LR199]

TOM COOK: The removal of the buffer zone is the precise reason we all have Whiteclay today. The second point is infrastructure. (Inaudible) the Native population for the tribe such as (inaudible) the (inaudible) of the economic corridor between Pine Ridge and the largest, oldest border town to them, where we're sitting today: Chadron, Nebraska. The third is to redirect in the way of doing something (inaudible) for the Indians instead of dispossessing them even further, to use the funds generated, the excise and tax from the alcohol sales, to (inaudible) not just a program, but (inaudible) of the Nebraska Commission on Indian Affairs to administer with the stipulations to develop these (inaudible) and culturally-based appropriate programs in the Panhandle. The fourth one is the issue of the health and safety of the people who actually walk on the street of Pine Ridge covered by the (inaudible) in the past presentation. That concludes my remarks. I say a hearty thank you to you all, particularly to Senator

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Louden for today. [LR199]

SENATOR LOUDEN: Any questions from Lincoln? [LR199]

SENATOR COASH: This is Senator Coash. I just want to say thank you for your hospitality, for Senator Karpisek, myself, the Attorney General, when we visited back in March. [LR199]

SENATOR LOUDEN: The next testifier would be Floyd Chavers. Chavers, is that right? [LR199]

FLOYD CHAVERS: Good afternoon, Senators. I'm Floyd Chavers. I'm a chaplain who works in Whiteclay, street ministry with the street people. I operate the (inaudible) soup kitchen there. We feed three meals a week, primarily to the street people, but also to people from Pine Ridge Village who come down. They bring their families. I've seen, personally, the devastation in Pine Ridge and Whiteclay with the alcohol. Many of the men who were there when I first came, they're now gone. They've died because of the alcohol right there in Whiteclay. Some of the things that could be done to alleviate some of this would be curtailing the hours of operation of the stores. Others have mentioned this. I do not believe that just closing one or two of the stores, or even three of them, would alleviate the problem. That would only cause the people to go to the remaining stores and would enrich those stores and those store owners rather than helping with the problem. As far as the police, I've seen the State Patrol there, writing citations and telling people, oh, this is going to cost you \$154. An Indian that's begging for his next drink, a threat of a \$150 fine is ludicrous. He probably uses that citation for tissue paper somewhere down the line. The judge in Rushville will issue a bench warrant for their arrest. If they have further contact with law enforcement and a search is made for once, there will be found there's an outstanding warrant 2-3 years from now, (inaudible) from Sheridan County to arrest them, incarcerate them for 30 days. The judge will say, okay, time served, and that's the end of that. So the state police presence in Whiteclay,

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they're more interested in chasing down the Indians with headlights that are out and broken windshields than they are enforcement of liquor violations. The county sheriff is doing what he can with his limited manpower. But I have heard numbers, \$4 million in revenue coming out of Whiteclay alone, going to the General Fund of the state of Nebraska. [LR199]

SENATOR LOUDEN: I would like to clear that up. It's... [LR199]

FLOYD CHAVERS: This is, I say, I hear... [LR199]

SENATOR LOUDEN: It's \$140,000 or \$150,000 of revenue that comes out of the sale of liquor in Whiteclay. [LR199]

FLOYD CHAVERS: I thank you for that correction. I am going by what a lot of what gets into print and I don't have it firsthand. I appreciate the (inaudible). [LR199]

SENATOR LOUDEN: I thought I would clear it up with you. [LR199]

FLOYD CHAVERS: I sure appreciate it. Well, \$40,000 is not as much as what the opponents have been saying. That alters the picture considerably, and I'm here to gain knowledge as well as speak. Thank you, sir. [LR199]

SENATOR LOUDEN: Thank you. [LR199]

FLOYD CHAVERS: Well, with the amount of money that is coming in from Pine Ridge, some help could be given to the local sheriff's department, perhaps with some overtime or help hiring another deputy to patrol. I've already stated I don't think the state police are effective. The biggest concern I have is treatment for the people. Every month I've got people coming to me: Can you get me into a treatment center? Can you get me into a treatment center? In the two and a half years I've been here, I've gotten one person in

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and that was in Gordon. There are no beds available. Monies can be directed toward the increased treatment. And I have the same information that Mr. BonFleur has about a possible treatment center in Pine Ridge. But one of the...public safety has been addressed frequently. That is one issue with the drunkenness, I've seen people laying down in the middle of the highway, some an alleged to attempt to commit suicide by letting themselves get run over. Others just doing dances out in the middle of the highway. These are public concerns. [LR199]

SENATOR LOUDEN: (Inaudible) finish up. We have people who (inaudible). [LR199]

FLOYD CHAVERS: Thank you, sir. Public safety is a high concern (inaudible) drunkenness. Whatever law enforcement can do to help us on that score, that will be greatly appreciated. [LR199]

SENATOR LOUDEN: Okay. Thank you. Questions from Lincoln? [LR199]

SENATOR KARPISEK: I just want to thank Mr. Chavers, too, for his hospitality when were out in March, and we did see a lot of the good that's happening but we also saw a lot of the bad. [LR199]

SENATOR LOUDEN: Okay. Well, thank you. And thank you, Mr. Chavers, for your testimony. The next testifier will be Bob McEwen. [LR199]

BOB McEWEN: Thank you, Senator. (Inaudible) make it short. Whiteclay is a moral abomination. Whether it is legally culpable for the horrors its customers inflict on themselves and others is the question. I'm a recovering alcoholic, 25 years. I used to drink in Whiteclay during the late '60s and '70s. I'm not proud of it. Being a drunk is nothing to be brag about. Whiteclay is a disgusting place to drive through and a traumatic place to (inaudible). I've watched many dear friends and relations (inaudible). Once I drank in Whiteclay so many years ago (inaudible), either (inaudible) or

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grandchildren are working in the (inaudible). If the state of Nebraska can do anything at all to minimize the catastrophic effect alcohol is having on the citizens of Pine Ridge, especially children and the elderly, I believe that it has a (inaudible). I would like to point out that (inaudible) same time (inaudible) Chadron State College, binge drinking is the largest sport on this campus, and I would like to see we're talking about (inaudible) liquor stores at Whiteclay. I am not trying to minimize that. I would like to see the same kind of oversight for the liquor stores here that are contributing to this terrible epidemic of binge drinking. It's going on in Lincoln. It's going on all over the state. I believe the problem in Whiteclay is far more pervasive and far more catastrophic (inaudible) any one the last speaker talked about if sales at the source of Whiteclay are shut down, the problem will spill over to bordering communities. I guess I can (inaudible) that. There is not a car headed out of Chadron, very few, that doesn't stop at the liquor store and buy cases and cases of beer. In this community, they are predominantly college students. That's all I have. [LR199]

SENATOR LOUDEN: Okay. Thank you for your testimony. Questions from Lincoln?
[LR199]

SENATOR KARPISEK: No questions. Thank you for your testimony. [LR199]

SENATOR LOUDEN: (Inaudible) because President Two Bulls wanted to have a wrap-up. Is your time frame in Lincoln about seven minutes until four...or seven minutes till five? [LR199]

SENATOR KARPISEK: A little closer than that, but we're okay. It's a little closer than that but we're okay. We can go a little over. [LR199]

SENATOR LOUDEN: (Inaudible) testifier or do I have President Two Bulls wrap up now? [LR199]

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SENATOR KARPISEK: We can continue with a couple more testifiers maybe, and then have the president wrap up. [LR199]

SENATOR LOUDEN: Please be ready, and the next one would be Martin...Duane Martin, would you come up from here so you would be ready to testify as soon as she gets done there. Okay. [LR199]

CAROL IRON ROPE HERRERA: All right. I am Carol Iron Rope Herrera and I have a family that lives in Nebraska. My husband and my two daughters live in Nebraska. I also was born in Scottsbluff, Nebraska, and went to...was raised in Alliance, Nebraska. The name for Scottsbluff is called Wa-caw (phonetic) and where I grew up is called Ta-shunk-cas-me (phonetic). I just wanted to say that probably the last 30 years I've been working with children and families in the state of Nebraska with LB637 being passed. If you recall, that was the Family Policy Act back in 1987. Since then I've provided foster care for children, and a lot of those children that were put in my home were fetal alcohol-affected. I adopted one of those children, and (inaudible) also coming (inaudible) reservation, we have many of our children that are fetal alcohol-affected. So what I'm asking for you today is our (inaudible) support because I think we have to go back to the people that are (inaudible) to alcohol on our reservation. So if they can fund the rodeos and all those kinds of things, then I would like a letter of support from every one of you senators, because I'm going to send in a proposal to Anheuser-Busch to help all our children and families that are affected by fetal alcohol syndrome. So that's what I am requesting today. Thank you. [LR199]

SENATOR LOUDEN: Are there questions from Lincoln? [LR199]

SENATOR KARPISEK: No. Thank you for your testimony. [LR199]

SENATOR LOUDEN: I don't have my glasses. Duane. [LR199]

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DUANE MARTIN: Good evening. Is Senator Ashford available? [LR199]

SENATOR LOUDEN: No, you can't ask questions. You've got to do your talking.
[LR199]

DUANE MARTIN: (Inaudible.) The reason why is I tried to find out (inaudible) over in Lincoln, and you were there the last time we talked. You kept stressing the issue pertaining to the buffer zone belonging to my people (inaudible). You said that in seven cases, Senator Loudon. Today, what I'm hearing, you're (inaudible) my people's hand and you're making my people (inaudible). Number one, you're talking about a detox center. Number two, you're talking about a homeless shelter. Well, both of them things are not needed. The soup kitchen that was there is (inaudible). It's (inaudible) that my people increased in Whiteclay because they get a free meal and that wouldn't have happened if it wasn't there. As far as going to a treatment center, I don't know why you guys are afraid...you know, why you're afraid of not taking your (inaudible) out there. (Inaudible.) We know that's a problem. We (inaudible) for ten years. I wanted to (inaudible) come up with an agreement, and it's the same thing over and over, okay. And I wanted to (inaudible) enforcement (inaudible), and you're trying to (inaudible) our sovereignty again because you're saying that my people (inaudible) on the table to build this detox center. No, the solution isn't going to happen. The solution is getting the liquor establishments out, plain and simple, and you guys have the power to do it because it's all about your infrastructure of Lincoln, the almighty dollar (inaudible) people. And you know that and it's not what we're talking about here. [LR199]

SENATOR LOUDEN: Now, just a minute here. We're here to gather information, not to get (inaudible). [LR199]

DUANE MARTIN: Right. That is the information. [LR199]

SENATOR LOUDEN: Okay. Are you done testifying? [LR199]

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DUANE MARTIN: No, I'm not. [LR199]

SENATOR LOUDEN: Well, you better be quick. If you don't... [LR199]

DUANE MARTIN: (Inaudible) another meeting on this because usually you didn't return my calls, Senator Louden. You kept giving me your voice mail. That insults me because that is (inaudible) you are doing to me and my people. [LR199]

SENATOR LOUDEN: Okay, you're done. [LR199]

DUANE MARTIN: (Inaudible.) [LR199]

SENATOR LOUDEN: Now we'll have a wrap-up with President Two Bulls, if she would, please. [LR199]

THERESA TWO BULLS: Thank you. Once again I want to say thank you for this opportunity. You've heard a lot of testimony and I think...this is my first time here, and what the lady said, this happened six times. I think I'm very frustrated and I'm requesting that solutions be (inaudible). That, you know, I do believe that...and you heard from the substance abuse people that we do need a detox center. (Inaudible) treatment, so we can help our tribal members. Because too many deaths have happened in Whiteclay, Nebraska. Alcohol is a running rampant on our reservation and we need to look at these alternatives on how we're going to help our people. So I really do think that we do need a detox center and it really frustrates me seeing that a white person can come up and sit down and he gets the first position and he got \$200,000 out of you. Now what we want is we want that detox center and I think Nebraska can help us with that and I did say in my very opening statement we have to work together, South Dakota, Nebraska, and the Oglala Sioux Tribe. And hearing about putting the ball in our court to do this research, to go out and find out how many cars...how many alcohol cans are coming

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onto the reservation, what about the bordering towns, what about the bordering towns in South Dakota. I think you've had all of that information in the past hearings that you have. And why aren't you getting that information and coming up with solutions from Nebraska? Every time we have a hearing we bring solutions to you, we bring our concerns, our issues. Why can't you use those and come up with solutions on how Nebraska is going to address this? I am really frustrated and I'm hoping that this is the last time we're going to have these hearings, that we are going to come up with solutions, that we are we going to work together. And the focus isn't on the Pine Ridge Indian Reservation or our tribal membership. The focus is Whiteclay, Nebraska, and as was stated earlier, that's in your territory. That is in your realm and you are the ones that are going to have to address this. You have the statistics. You have the data. You have stories. Let's work together and do something about it now. We need to partnership. We need to put our differences aside because I'm really concerned that this alcoholism is going to (inaudible). On the reservation, we have 6-, 7-, 8-year-olds abusing alcohol, and that's a fact. And then (inaudible) pointed at us out about bootlegging, the border towns. That's done and over with now. So I want to see end results. I want to see good solutions and we are willing to work with you. I know we have problems on the Pine Ridge Indian Reservation and we're trying to address them in this administration. But if you were hardpressed on this Whiteclay issue, yes, we do have a lot of people that (inaudible) do they want Whiteclay closed. That would be good. That would really be good that if Whiteclay was closed. But even if it's closed, we still have the problems on the reservation and we still have the health disparities, the socioeconomic, and that's what we're saying the reason why we're here today. (Inaudible) work together to address this. It's been a long time coming and I'm hoping that my administration is going to be the last administration that we're going to sit here and meet with you and come up with solutions so that we can have a better life on the Pine Ridge Indian Reservation. Thank you. [LR199]

SENATOR LOUDEN: Thank you, President Two Bulls. With this, Senator Karpisek, I would like to wrap up. It is also my opinion that I agree with President Two Bulls that we

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need to have cooperation between the state of Nebraska, the state of South Dakota, and the federal government. This is a larger issue than running down and closing a couple of three little liquor stores. In the process, those have to be looked at, no doubt, but on the other hand we have a huge problem. There's 54,000 people is what it was testified to today there, living on that reservation of 3,400 square miles. And you...it's inadequately law enforced. It's an area that doesn't allow liquor on the reservation and that makes it wide open for all sorts of crime. So we have a very serious problem here, and I think with the help of the Legislature I would like to see, between the Legislature and the Governor's Office and also our state senators in Washington and our senators in South Dakota that are in Washington, and see what we can do for funding and bring something about, because they agreed we have to do something with the symptom. We have to have some way or another of treating these people. With that, I want to thank the people that were here today. We had a house full of people. I don't know if you in Lincoln ever got a chance to pan in, but we had a roomful. We had very good testimony. We had about 20 testifiers and I think we did quite well, and I appreciate what Senator Karpisek and Senator Ashford have done to bring this about. So anything you would like to say now, Senator Karpisek or Senator Ashford? We're open for listening. [LR199]

SENATOR KARPISEK: I would also just like to thank everyone for coming and testifying. I think we got some good testimony from the people who are there and living it every day. I'd like to thank Senator Loudon for being there and helping us. I do want to apologize again that this wasn't out in Rushville, that we weren't all there. It was planned to be. The special session messed us up and the money situation also caused us not to be able to come. I do plan to be out there again, whether fact-finding or how we're going to do it. But I do agree with Senator Loudon, this is a big issue. Some of the questions maybe were taken in the wrong context. We just have to try to understand as much about this issue as we can so we can try to figure out what to do about it. It is a big problem. I don't think one little fix is going to fix everything. We sure don't want to point the finger at anyone, especially the reservation. We're just trying to help, trying to find what can be done, because we're all in the same boat. We want it to be better. We

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may not agree on how we can get there but we do need to work together. I'm very happy to hear President Two Bulls be aware of that, and she will obviously be a big part in the final answer or part of the answer. So again, thank you, everyone, for coming, and we will be out there. We appreciate it. Thank you. Senators, thank you. [LR199]