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GENERAL AFFAIRS COMMITTEE
October 11, 2016

[LR567]

The Committee on General Affairs met at 1:00 p.m. on Tuesday, October 11, 2016, in Room 1510 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LR567. Senators present: Tyson Larson, Chairperson; Colby Coash, Vice Chairperson; Matt Hansen; Mark Kolterman; John McCollister; Merv Riepe; and Ken Schilz. Senators absent: Dan Hughes.

SENATOR LARSON: Welcome to the General Affairs Committee. I am Senator Tyson Larson of O'Neill and the Chair of the committee. Committee members present today are, to my far right, Senator Mark Kolterman of Seward; Senator Matt Hansen of Lincoln; we'll see if my Vice Chair, Senator Colby Coash of Lincoln; and I have Josh Eickmeier, my committee legal counsel. To the far left I have Aaron Bos, my committee clerk; Senator Merv Riepe may be joining us of Ralston; Senator John McCollister of Omaha; Senator Dan Hughes of Venango; and Senator Ken Schilz of Ogallala. There is one sign-in sheet by the doors in the back of the room for anyone testifying today. Make sure, if you do sign in on that testifying sheet, you give that to our page or our committee clerk before you sit down to testify. This is for our own recordkeeping purposes. When it is your turn to testify, as I said, make sure you give it to the page or the committee clerk. Senator Patty Pansing Brooks has provided the committee with a list of invited testifiers that will be in order in which we will proceed. Once the invited testifiers are finished, then we will open it up to anyone wishing to address the committee on the issue as it pertains to this resolution. We have, in conjunction with Senator Patty Pansing Brooks's staff, limited this hearing to three hours to go through the process. We will be using the light system for our hearing to ensure that as many people as possible are able to talk. Testifiers will have five minutes which they will be represented by a green light when you begin; an amber light when you have one minute remaining; and a red light when your time is up. When you come up to testify, please speak clearly into the microphone. Please tell us your name and spell it, your first and last name. Also, please tell us whom you're representing, if anyone. Please turn off your cell phones or put them on silent. Please keep your conversations to a minimum or take them out into the hallway. The General Affairs Committee attempts to be a paperless committee, therefore, we are...we try to accept handouts in a limited capacity or we can have them scanned in and distributed to the committee members electronically. Due to this relatively new policy, if you would like to submit

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something and only have paper copies, we will accommodate you. We also do not allow visual aids or display items since none of the committees in the Legislature do. Because this committee is going paperless, the committee members are allowed or even encouraged to use electronic devices during the hearing. Thank you for your cooperation. The focus of today's hearing will be LR567 which will now be introduced by Senator Patty Pansing Brooks. Welcome to the General Affairs Committee. [LR567]

SENATOR PANSING BROOKS: Thank you, Chairman Larson and members of the General Affairs Committee. For the record, I'm Patty Pansing Brooks, P-a-t-t-y P-a-n-s-i-n-g B-r-o-o-k-s, representing District 28 right here in the heart of Lincoln. I'm here to introduce LR567, an interim study examining the sale of alcohol in Whiteclay; the need for additional law enforcement; and the public health emergency that's taking place there. First I'd like to thank activists Frank LaMere and John Maisch for their passionate advocacy which has kept the issues surrounding Whiteclay alive and a part of our moral outrage. Frank LaMere has been working for decades to stop the predatory liquor sales in Whiteclay; and John through his documentary work in Sober Indian, Dangerous Indian has shown us the tragic consequences of these sales on the people of Pine Ridge. This summer I took my first trip to Whiteclay and was stunned by what I witnessed and heard. I saw mattresses about the landscape bordered by garbage and feces. I saw abandoned buildings unsafe for habitation. I saw empty high-alcohol content beer cans everywhere I looked. I heard from a Native woman who told me of her experience of sex being sold for alcohol. I saw clothes, even a tiny pair of baby moccasins in the field. I saw an unincorporated area with no local governing body, no local ordinances, no police force, and no access to a wireless telecommunication system or wireless broadband facilities. There are over 3.5 million cans of 26-ounce malt liquor sold annually in this two-block stretch of depravity in Nebraska with a population of 11 people. The bulk of that high-octane, sweet-tasting beer is sold to the residents of the dry Pine Ridge Reservation. As a result, more than one in four babies are born in a bath of alcohol and suffer from fetal alcohol syndrome with debilitating physical and mental disabilities that are irreversible. The alcoholism rate is as high as 80 percent. The infant mortality rate is three times higher than the national average. And the teen suicide rate is more than four times the national average. Testimony today will show that Nebraska has been complicit in the genocide of a people allowing predatory stores to operate in Whiteclay and live off the misery and addictions of the vulnerable people of the Pine Ridge Reservation, all the

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while Nebraska collects nearly \$150,000 in tax revenues from those same individuals through the sale of alcohol in Whiteclay. Also, Nebraska has turned its back on the public safety problems in Whiteclay. In August, Sherry Wounded Foot was found beaten behind an abandoned building in Whiteclay and she later died from the wounds inflicted there. Four years ago, Sherry Wounded Foot's brother was found in a similar condition and no one was ever charged for his death. Understandably, the family has expressed fear that justice will not be served in Sherry Wounded Foot's death either. Sheridan County Sheriff Terry Robbins couldn't be here today but has told me personally that local officials do not have the resources to adequately patrol the area. Just today, an article came out on Nebraska Radio Network where Sheridan County Commissioner James Krotz pleads for funding for public safety in Whiteclay. They need help. In the meantime, Nebraska State Patrol hours in the area have gone down precipitously since 2006. Captain Jahnke from the State Patrol will shed more light on that this afternoon, and I am grateful that he is here. In short, what we face in Whiteclay is a public health emergency. To begin to tackle this emergency, last May, Senator Brett Lindstrom and I have brought forth a multifaceted approach to help the people of Pine Ridge, Sheridan County, and Whiteclay. These initiatives include: (1) establishment of a Nebraska State Patrol substation and/or enhanced hours in Whiteclay to enforce laws; (2) condemnation and removal of the abandoned buildings where crime and trafficking are known to occur; (3) creation of a drug and alcohol detox and treatment center combined with a job training center; (4) expansion of economic development opportunities in Whiteclay and Sheridan County; and (5) the establishment of wireless broadband for enhanced public safety, telehealth, and distance learning opportunities. Remarkably, in August, the Governor's task force on Whiteclay revealed their own recommendations that are nearly identical to our proposals. So there are many opportunities for us all to work together to heal Whiteclay. We have already made significant progress on our proposals. On a return trip to Whiteclay late last month, Senators Lindstrom, Tanya Cook, Roy Baker, and I announced the establishment of a mobile wireless tower in Whiteclay bringing wireless broadband access that carries 15 miles into the Pine Ridge Reservation. This was made possible through the extraordinary generosity of Viaero Wireless, which established this tower at its own expense. The Public Service Commission has also been supportive in our efforts to connect Whiteclay to the rest of the world. This is an important step to reverse the historic isolation of the Oglala Lakota people, to improve public safety, and to help our Lakota friends and neighbors to obtain access to telehealth and distance learning opportunities in order to help

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move people out of dire poverty. One of the next immediate steps must be the establishment of a substation or 24-hour law enforcement presence in Whiteclay. This is important not only to uncover and stop violations of the Liquor Control Act, but to keep people like our sister, Sherry Wounded Foot, safe. Nebraska State Patrol presence would also help us get hard evidence necessary for an evidentiary process for the Liquor Control Act violations in Whiteclay as we continue to hear anecdotal evidence that they exist. I hope Mr. Rupe will shed more light on the process necessary to close any stores in violation of the Liquor Control Act. It is also important for advocates to continue their work to close the liquor store. This work has been going on for decades and must continue. The fact that these four stores continue to take advantage of the vulnerabilities and misery of a precious people susceptible to alcoholism in the name of a free economy and capitalism is an abuse and mischaracterization of what living with others in a free market society means. If Lincoln were to allow four stores to every 11 people, we would have over 30,000 liquor stores in Lincoln alone, and over 50,000 stores in Omaha. Enough is enough. I believe it is important that we have "a diversity of tactics" as Olowan (Sara) Thunder Hawk Martinez, member of the Oglala Lakota Tribe will testify later, to combat the public health emergency in Whiteclay based on the predatory sales. While dedicated individuals have been fighting to close the stores, another generation has been decimated. Nebraska must take responsibility for the annihilation of a people. We must act now before one in four children from the next generation are born with fetal alcohol syndrome; before another generation has no treatment access, no jobs, and no hope. Meanwhile, I'm happy to say that momentum to heal Whiteclay is moving in a positive direction. We had a meeting with the University of Nebraska Medical Center and others from the Pine Ridge hospital in order to combine efforts to help people in the area with addiction and behavioral health problems. There is no detox center; and the hospital has only one treatment bed. Often, people in dire need of detox are forced to do so in jail. That does not happen in any other community in our state. We need to explore many funding streams to combat this public health emergency, including taking advantage of available private and public dollars from the sale of that alcohol. Before I close, I'd like to submit four letters for the record from individuals who could not be with us today. And I'd encourage you all to read the letters. But I wanted to highlight for you a couple portions of each of them for you. The first one is from Charles Sitting Bull, who has his master's in social work. He's the director of behavioral health at the Pine Ridge hospital. He says in part: We appeal to Nebraska to help us by providing alcohol treatment service, detox services instead of jailing the inebriated;

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behavioral health services, vocational rehabilitation services, job training services, create work-type of services to train potential workers to work. It would be very helpful to establish a good and positive law enforcement presence in the area. We need productivity and not negativity regarding Whiteclay. And then from Bruce BonFleur from Lakota Hope, he said in part: In 2015, over 150 emergency calls were answered by the Oglala Sioux ambulance service in response to needs on the streets of Whiteclay. These are all documented. The number one reason for calls was for physical trauma. The cost to the Oglala Sioux Tribe to answer all of these calls in 2015 exceeded \$53,000. Rarely is there an ambulance from Sheridan County provided. He went on to say that Sheridan County and the state of Nebraska remains severely remiss in their responsibilities to provide for the welfare, health, and safety in Whiteclay, Nebraska. The third comments that I wanted to pointed to are from State Senator LeRoy Loudon who wrote to say: A state sheriff should be assigned to the area now that a nursing home is in Whiteclay. And it has not been settled who or how law enforcement will react to a situation. If a state sheriff is assigned to the region, I would suggest some type of station be in place so that personnel won't be in a car 24/7 or just driving around. And finally, a letter from Dr. Catherine Jones-Hazledine, who is a licensed psychologist from the Western Nebraska Behavioral Health clinics and deals with the people of Whiteclay quite often, said in part: Recently, I had the opportunity to be part of a series of meetings with Pine Ridge and Whiteclay residents. The Whiteclay and Pine Ridge areas are reported to have a lack of medical detox facilities with none currently available and greater need for substance abuse for the high percentage of residents suffering from these problems. Residents are also referred to the need for job training and safe housing for those undergoing treatment. Otherwise, they return to their old patterns and old behaviors. We have seen the outcome of these problems and evidence of these needs on the streets of Whiteclay and Pine Ridge in the high rates of addiction of children diagnosed with fetal alcohol syndrome and the suicide epidemic in this area. I believe that anything that can be done to improve access to services for these under-served individuals will likely be a step towards solving this very serious problem. So I want to thank you, Senator Larson, and to each of you on the General Affairs Committee for having this hearing today on LR567. I would ask that your ears be open and that you try to hear with your hearts as well as your minds and that you will add your positive ideas and your positive energy to the ongoing efforts to stop the abuse, the human trafficking, the fetal alcohol syndrome, and the human tragedy that we are causing through our unfettered sales of alcohol to the people of Pine Ridge. I'll be glad to answer any questions, but I would truly prefer

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that you now listen to the important voices of the rest of the people here today. Thank you.
[LR567]

SENATOR LARSON: Thank you, Senator Pansing Brooks. Are there any questions from the committee? Looks like they took your advice, thank you. [LR567]

SENATOR PANSING BROOKS: Thanks. [LR567]

SENATOR LARSON: And thank you for the work that you've done on this issue, Senator Pansing Brooks. With that, like I said, we will move into invited testimony. The first invited testifier is Hobert Rupe from the Liquor Control Commission. Welcome back to the General Affairs Committee, Mr. Rupe. [LR567]

HOBERT RUPE: Thank you, Chairman Larson, and members of the General Affairs Committee. My name is Hobert Rupe, H-o-b-e-r-t, last name is Rupe, R-u-p-e. I have the privilege of serving as the executive director of the Nebraska Liquor Control Commission. When I received my invitation from Senator Pansing Brooks to come testify, I went through her request of information and then I was told I would have five minutes. So I will try to be as quick because I don't think I can really get it in that time frame, but I'll be as quick as I can. First, just so we know what we're dealing with, we have four Class B liquor licenses located in the unincorporated village of Whiteclay. They are Arrowhead Inn, which is owned by Jason Schwarting, which has been licensed since May of '06. First off, before I go back there, all four of these locations were previously...have been licensed since previous to 1987 when we computerized the records. So there's...these go back further than that. Some of them have changed hands; some of them have not. The second one is Jumping Eagle Inn, owned by a gentleman named Stuart Kozal, that's been licensed since 1982; Sanford D&S Pioneer Service owned by Sanford Holdings, LLC, which has been licensed since '08; and State Line Liquor owned by Clay and Daniel Brehmer, which has been licensed since '02. I was asked to sort of give a history of each of them as to what recently have, you know, for enforcement actions. The most recent enforcement action which came before the commission...and I'll back up and let you know how those work. The commission does not have its own investigators. The commission...there is a division of the Nebraska State Patrol which is assigned, as well as local

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law enforcement has local authority to enforce the Liquor Control Act, as well as local laws. They will file what's commonly called a tavern violation with the commission, which case they allege there's an act...a violation of the act. Those are then reviewed by the Nebraska State Patrol, as well the Office of the Attorney General who makes a charging decision. Then those are set before the commission where the three commissioners sit as a jury. I sit as administrative law judge. And it's a formal administrative hearing. The rules of evidence can be invoked and often are invoked. So with that background, Arrowhead Inn has had one violation since it was licensed. Back in November of 2010, it pled guilty to selling alcohol to a minor during a compliance check. It was suspended for 12 days. That report came from the Nebraska State Patrol. Twelve days is a common violation for everybody across the state for a first violation of the Liquor Control Act sell to minor. It's 10 to 20 days, and usually they'll add 2 if they didn't check the ID. Jumping Eagle Inn, he's been licensed since 1982. There was a violation in 1992, ten-day suspension for extending credit. That report was generated by the Nebraska State Patrol. July of '02, there was a 12-day suspension for selling alcohol to a minor. That also came from the Nebraska State Patrol. And then there was an allegation in '09 for allowing consumption on unlicensed property. Patrol filed the report, but no action was taken by the Attorney General's Office. D&S Pioneer Service was, again, licensed since '08; has had one violation. In November of 2010, they pled guilty to selling alcohol to minor; they were suspended 12 days. That came from the Nebraska State Patrol. That was the same compliance checks on Arrowhead Inn. State Line Liquor has been licensed since January of '02. There was a hearing before the commission in '06 for selling to or service of intoxicated. They were found not guilty. There was an evidence problem. If you want more information, I can go into that evidence problem. And then there was the 2010 alcohol sale to a minor, 12 days. So three of the four failed compliance checks. The other issues that were...where it was brought to my attention, requested that I bring information, is sort of past history since those. Those are the most recent ones we've had. The last time we received a tavern violation filed by the Sheridan County Sheriff's Office would have been 1998 was the last time we received anything from the sheriff's office. Whiteclay is an unincorporated township, therefore, the authority, local governing body, is Sheridan County. I was asked if there are other unincorporated villages which have liquor licenses. There are; and the number of licenses--Emerald has two; Kramer has one; and I apologize right now, Senator Schilz, because I always mispronounce it, Lemoyne? [LR567]

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SENATOR SCHILZ: Um-hum. [LR567]

HOBERT RUPE: ...has five. Lisco has one; Parks has one; St. Libory has two; Sparks has three; and Whiteclay, of course, has four. So there are...located in other areas, those are under the jurisdiction of the county. So they would have the authority for local control with the rest of the county because they're not inside a city. Whiteclay is a very interesting situation because we hear a lot of the complaints. We hear the anecdotal reports, but the commission, because it acts as quasi-judicial body, requires evidence to go forward. The main issue for that is, the Supreme Court of the state of Nebraska is...I'll just (inaudible)... [LR567]

SENATOR LARSON: Thank you, Mr. Rupe. I'll actually...for Patty Pansing Brooks and you and the Nebraska State Patrolman is next. Obviously, you guys have information to offer the committee that is much more informational so I will let you continue on your five minutes...over the five minutes, but please be mindful because we have a lot of testifiers... [LR567]

HOBERT RUPE: Yeah, I understand. All I was going to say was, it's one of those issues when you read the act (inaudible), you know, you see as a personal privilege. However, the courts have interpreted that a...once you hold a license, your right to have it either removed or to not be renewed rests very...is a property interest. You're subject to Fourth and Fifth Amendment criteria. You've got to have evidence to show that something has changed, whether there's been a violation of the act to go forward in that regard. So I was just going to say that that's issue and it's why there's...people say, why do you keep renewing it? Well, the courts have said, unless there's been a positional change in the location from when it was originally licensed, there's a property interest in the renewal of that license. And as I've said, these have been...the longest of these was licensed when I was a sophomore in high school, so quite a ways back. With that, I guess I would be willing to answer any questions since I'm way over my time and I'm trying to be as brief as possible. [LR567]

SENATOR LARSON: I appreciate that. You were a sophomore and three of us at this table weren't born yet. [LR567]

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HOBERT RUPE: Thank you. I have my 50th birthday next month. That's really what I wanted to hear, Senator. (Laughter) [LR567]

SENATOR LARSON: Thank you, Mr. Rupe. Do we have any questions from the committee? Senator Hansen. [LR567]

SENATOR HANSEN: Thank you, Senator Larson. And thank you for testifying, Mr. Rupe. You mentioned you will sometimes receive complaints, but you need some sort of evidence standard. Can you explain kind of what the standard or baseline is to proceed there? [LR567]

HOBERT RUPE: Well, as I said, I mean, it's a...when it goes to hearing, it's not beyond a reasonable doubt, thank God, it's only, you know, a preponderance of the evidence. But generally what we would need would be a law enforcement originated...because even if we got the complaints, we refer them to law enforcement for other investigation. They would bring forth if there is a violation of the act. We would then...the AG believes it meets their (inaudible) requirements there would be a hearing held. And so the commission is very much wearing its quasi-judicial hat at that point in time so we would receive evidence; they can request it be under the rules of evidence as applicable to the district court. And the evidence...we'd have to have testimony evidence there was a violation of the act. If found guilty, then the license can be suspended, cancelled, or revoked based upon the violation. The commission utilizes a penalty matrix, generally. The theory for penalties is we're trying to bring a licensee into compliance, not drive somebody out of business right away. And so they generally will go along with the penalty guidelines unless there's a reason either to deviate up or down from those. Usually it's deviating closer toward cancellation if somebody could show there's a public health or welfare risk for the licensee or (inaudible) business. [LR567]

SENATOR HANSEN: Okay. So from that, so if a private citizen files a complaint, they're allowed to do that, but then it gets referred to law enforcement? [LR567]

HOBERT RUPE: Okay. Now there is a couple of different ways that citizens can get in front of the commission. So far I've been speaking about us wearing our quasi-judicial hat. [LR567]

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SENATOR HANSEN: Sure. [LR567]

HOBERT RUPE: Under the more regulatory hat, there are also ways that a citizen of, let's say, let's just say Sheridan County, this is a Class B liquor license and it will come up for renewal at the end of April, therefore, this January the Sheridan County will post a public notice. And so somebody could make a complaint at that point in time to the Sheridan County as they're looking to whether to recommend a renewal of the liquor license or not. So that's another way that once a licensee is existing they can...they're statutorily allowed. If five or more citizens of the county protest, they must have a hearing. I mean, they may have if less than five. If it's alleging a criminal violation or a violation of the act, we will generally refer those to law enforcement for further investigation. So then one of the State Troopers who is assigned to the alcohol division would contact them and interview them. There is one in each...there's at least one in each Patrol district whose primary...principal job is our liquor enforcement. [LR567]

SENATOR HANSEN: Okay. So with those members of the State Patrol, how much authority or discretion do you have in terms of dispatching, what areas they check in on? [LR567]

HOBERT RUPE: Authority? Persuasive at best, I guess I would think. They are a separate state agency. We work very well, very closely with them. I can tell you that if we refer to them, they will do an investigation. We work closely...we have some of our auditors work closely with them on other investigations. So although they're a separate agency, we work very closely. Legally, I have no authority. They're a separate agency. It would have to be with...the Patrol would have to look at that. Prior to 1987, the commission had its own investigators assigned to the commission. They were state deputy sheriffs and they were under the control authority of the commission. [LR567]

SENATOR HANSEN: Okay. Thank you. I think I'm getting a, kind of, more frame of reference on how this all works. [LR567]

HOBERT RUPE: As I said, five minutes was not a lot of time to (inaudible). [LR567]

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SENATOR HANSEN: Right, right. You might have shared this. How many complaints do you get from citizens groups from...or law enforcement in the Whiteclay area? I know you mentioned some of the few referrals from law enforcement, but... [LR567]

HOBERT RUPE: We've gotten quite a few. We get a lot of letters. A lot of them are from a policy standpoint. They're alleging the actual sales and the negative impact it's having upon other people. And so those are not really (inaudible) out alleging a violation of the act. I mean, we're looking at is there a violation of the act. I remember we have gotten, specifically, a couple in 2013 which we referred to the Nebraska State Patrol. We have at least one active investigation currently. That's all I can say about it, based upon a complaint. But it is an active investigation so I can't really opine on that. [LR567]

SENATOR HANSEN: Okay. Thank you. [LR567]

SENATOR LARSON: Thank you, Senator Hansen. Any further questions? Senator Riepe. [LR567]

SENATOR RIEPE: Thank you, Chairman Larson. Mr. Rupe, one of the questions that I have is, it would be incredibly naive to say, well, we simply close down the four facilities in Whiteclay because it probably challenges their constitutional right to be in business, is that correct? [LR567]

HOBERT RUPE: Yes. As I said, the Supreme Court has said that they've got certain due process guarantees and you would have to look at either closing them for cause, i.e., violations of the act... [LR567]

SENATOR RIEPE: All four at the same time. [LR567]

HOBERT RUPE: Yeah, all four...if you're looking to sell all four at the same time, then you would probably look at if Sheridan County were to come forward and, perhaps, you know, maybe because it's changed from when they were originally licensed, they could say that they no

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longer have adequate law enforcement to regulate there. And so then they could bring that forward through the automatic renewal process which will be coming up this spring. [LR567]

SENATOR RIEPE: I know that's unduly simplistic because simply to close this or...and then you put individuals on the highway to drive further to give them (inaudible) to create a whole other set of challenges, if you will. So, it seems the idea that we would be able to close all those is an option that's really off the table. [LR567]

HOBERT RUPE: Well, you know, as I said, there are mechanisms within the act that allows the governing body to go forward. They could try to vote to cancel or they could vote to not to renew. [LR567]

SENATOR RIEPE: But then we move it down the road. [LR567]

HOBERT RUPE: Well, that would be...I mean, I use that as...is it legally...I'm answering your question now very much in a legal standpoint. Is there a provision in the act that would allow them to go forward under that? Yes. Of course, also under the act they would then be able to appeal to the district court to make sure that that was done and they received fair process and due process through whatever proposal they would have. An example I would give you of recently where a city canceled a liquor license: The city of Omaha originally recommended approval; commission granted a license in Omaha to a place called Maria Sangria. The application says, we're a Spanish restaurant, you know, a restaurant-type thing and we're not going to cause a whole bunch of problems. Well, it was a Spanish restaurant until about 8:00 at night; then all the tables were shoved to the side and turned into a hip-hop night club which was drawing a lot of gang-related activities. The gang unit was there every night on the weekends. And because of the drain on their law enforcement, the city council of Omaha canceled their liquor license. They then appealed that to the commission. The commission upheld that cancellation by the city of Omaha. And then they could have proceeded to repeal that then to the district court. They chose not to and it didn't go forward. But I'm saying, it was a (inaudible) example about how you can sort of close them. That was initiated under that cause. [LR567]

SENATOR RIEPE: Do they have Hispanic hip-hop places? [LR567]

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HOBERT RUPE: No, I think the issue there was because of the...these are all off-sale, but the problem there was the allegation (inaudible) here for was on law enforcement resources. And that was one of the reasons that Omaha listed in its cancellation. [LR567]

SENATOR RIEPE: I know we have other people here. The other question I have is, obviously, there's a high correlation between pay day and liquor consumption... [LR567]

HOBERT RUPE: That's correct. [LR567]

SENATOR RIEPE: ...which is, maybe, some model there to spread out the pay day. I don't know, it's a...(inaudible) root cause and the root cause is... [LR567]

HOBERT RUPE: The issue is, and I guess I'll correct one thing that Senator Pansing Brooks said earlier, there are actually two primary sizes and types of alcohol sold in the Whiteclay establishments. She's absolutely correct, I mean, we...you got to remember, you can extrapolate out through...to the total gallons, we keep track of the gallons, because that's how the excise tax is paid. There are two: the one, she is absolutely correct, are commonly called 12/24s. They are 12 to a case, they're 24 ounce. They're the high gravity beers. They're usually clocking in somewhere about 8.5, 9 percent alcohol by volume. They're very low cost; very cheaply made. And so that's the appeal they would have. The other major seller is actually Bud heavy, regular Budweiser, usually sold in a 24 ounce...24 or 30 packs of 12-ounce cans. So they're...I mean, I just want to make sure...I mean, there is a lot of the big ones. There's also a lot of what people would call a more traditional beer being sold (inaudible). But you're absolutely right. [LR567]

SENATOR RIEPE: What's the alcohol content on the Bud? [LR567]

HOBERT RUPE: Budweiser, I believe, clocks in right around 5.5 (percent). I could be wrong on that one, but that's sort of one of the standards. Bud Light would, of course, kick in much lower, about 3.4 (percent), I think. But Bud heavy is the other big seller. [LR567]

SENATOR RIEPE: Thank you. [LR567]

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SENATOR LARSON: Thank you, Senator Riepe. Any further questions from the committee? Seeing none, thank you, Mr. Rupe. [LR567]

HOBERT RUPE: Thank you very much. [LR567]

SENATOR LARSON: Next I'll invite the Nebraska State Patrol representative. It's Major Kyle Otte. Correct? [LR567]

KYLE OTTE: Correct, Senator. Thank you. [LR567]

SENATOR LARSON: Welcome to the General Affairs Committee. And again, I will let you go over the five minutes, but please be mindful we do have a full room and a lot of people that want to testify. And from...after that, we'll move on to the five-minute light system. [LR567]

KYLE OTTE: Thank you, Senator. Good afternoon, Senator Larson and members of the General Affairs Committee. I am Major Kyle Otte, K-y-l-e O-t-t-e, head of the Nebraska State Patrol Investigative Services. As a former trooper and commander, I am familiar with the challenges of Whiteclay. I am here to provide information you may find helpful during your interim study as you examine the issues that relate to Whiteclay, Nebraska. The Nebraska State Patrol currently has 30 uniformed road troopers and 9 investigators assigned to Troop E which covers the 11 counties in the Nebraska Panhandle. The Chadron/Sargent area, which includes Whiteclay, currently has 7 uniformed troopers and a sergeant. This Sargent area encompasses 6,977 square miles and has a population of 27,103. The Nebraska State Patrol has invested numerous hours in Whiteclay. Between 2002 and 2015, a total of 3,594 Patrol hours have been recorded in Whiteclay. This equates to an average of 256 hours per year. This time includes but is not limited to assisting local law enforcement, civil disorder, security at protests and/or demonstrations, routine patrol, arrests, and any other uniform enforcement duty. These hours do not include time invested by the investigative services division. Recently, the Nebraska State Patrol requested and received grant funding to provide additional uniformed enforcement hours in and around Whiteclay focusing on alcohol and public safety concerns. This enforcement effort resulted in 178 additional Patrol hours and 498 enforcement contacts over a six-week period. Of the 178 hours, 101 were grant funded. The contacts generated through the use of this grant time included

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citations and/or arrests regarding 8 open container violations, 5 drinking on public property violations, 5 individuals for driving under the influence, 7 drug violations, 12 suspended drivers, 2 concealed weapon charges, and 27 arrests due to active warrants. Thus far in 2016, a total of 336 uniformed Patrol hours have been recorded in Whiteclay. In addition, there have been 149 investigative services hours invested in Whiteclay. In total, the Nebraska State Patrol has devoted 485 enforcement hours to Whiteclay, Nebraska, within 2016. As you know, the Nebraska State Patrol is not responsible for issuing liquor licenses or for revoking liquor licenses. We issue citations to liquor establishments for violations of the Nebraska Liquor Control Act and conduct investigations on behalf of the Liquor Commission regarding licensure actions. Currently, six full-time liquor investigators are assigned to do this work for the state of Nebraska, along with a sergeant who coordinates activity and serves as a liaison with the Nebraska Liquor Commission. There is one liquor investigator assigned to handle the licensed liquor establishments within Troop E. There are 285 licensed establishments in the Panhandle with 28 located in Sheridan County. All 285 liquor establishments fall under the responsibility of this liquor investigator. Each licensed establishment within Whiteclay has had a premise inspection conducted within 2016. In addition, each licensed establishment has received at least one alcohol and tobacco compliance check within the calendar year. Within the last two years, four complaints have been received regarding Whiteclay. These complaints were received by the Nebraska Liquor Commission and forwarded to the Nebraska State Patrol. Three of these complaints were nonspecific in nature and were submitted via e-mail with a short narrative. They were not actionable as they contained generic comments such as--please do something about Whiteclay. The fourth complaint was handled directly by the troop commander and the investigative services lieutenant. They traveled to Whiteclay and met with the reporting party. Unfortunately, the reporting party's claims could not be supported. The Nebraska State Patrol understands the challenge that Whiteclay represents and we remain committed to providing professional law enforcement to the state of Nebraska and the community of Whiteclay. I appreciate the opportunity to provide you with information that I hope you find helpful. I'll be happy to try and answer any questions you may have. [LR567]

SENATOR LARSON: Senator McCollister. [LR567]

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SENATOR McCOLLISTER: Thank you, Senator Larson. And thank you, sir, for your attendance, though I met with Captain Jahnke last summer, so I appreciate the hard work that you've been doing on this particular project. I would also like to thank Senator Pansing Brooks for her attention to this and her hard work because it's a move in the right direction. You indicated there are six officers assigned for liquor compliance. [LR567]

KYLE OTTE: Throughout the state, yes. [LR567]

SENATOR McCOLLISTER: Throughout the state? [LR567]

KYLE OTTE: Correct, sir. [LR567]

SENATOR McCOLLISTER: Are all those positions filled? [LR567]

KYLE OTTE: Yes they are, currently. [LR567]

SENATOR McCOLLISTER: That's great. You indicated that there were a number of hours spent in Whiteclay. And the numbers that I have in front of me are in 2015 were only 56 hours. Is that...did I decipher that information correctly? But then in 2016, enforcement actions have increased rapidly, is that a correct assessment? [LR567]

KYLE OTTE: Those numbers were...correct, Senator. The reason for the low number, we did not receive the calls for service in 2015 that we had received in the other years that were listed on that information that you referenced. [LR567]

SENATOR McCOLLISTER: What do you attribute that to? [LR567]

KYLE OTTE: I don't have an answer for that, sir. The calls for service were what we received. I don't have any idea why they were low. [LR567]

SENATOR McCOLLISTER: And remind me, how many compliance checks did you do in the Whiteclay area in 2015 or '16? [LR567]

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KYLE OTTE: We do at least one in the entire...on all four establishments within Whiteclay annually. That is consistent with what we do with all of our establishments. [LR567]

SENATOR McCOLLISTER: Do you think this particular area deserves more attention?
[LR567]

KYLE OTTE: We believe based on the information that we'd received, we have not received any violations and so, no, it did not. [LR567]

SENATOR McCOLLISTER: Thank you very much. [LR567]

KYLE OTTE: You're welcome, Senator. [LR567]

SENATOR LARSON: Thank you, Senator McCollister. Any further questions from the committee? Seeing none, thank you for your time, Mr. Otte. [LR567]

KYLE OTTE: Thank you, sir. [LR567]

SENATOR LARSON: We will now move into the rest of Senator Pansing Brooks's invited testimony. Again, like I said, we'll have five minutes. The first is formal tribal president...chairman, Bryan Brewer. Is it "president" or "chairman"? [LR567]

BRYAN BREWER: President. [LR567]

SENATOR LARSON: President. Okay. [LR567]

BRYAN BREWER: Hau mitakuyepi! My name, Lakota name translated means red buffalo boy. My English name is Bryan Brewer, B-r-y-a-n B-r-e-w-e-r. First, I'd like to thank you, Chairman, for allowing this to happen today. I grew up on the Pine Ridge Indian Reservation. I'm a combat veteran of Vietnam. There's 3,500 veterans on our reservation. And many of us returned with many problems. When we came home, as the veterans, dealing with the alcohol and drugs, we became the predators, we became people who abuse our own. And many of us were in

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Whiteclay. We all went to Whiteclay. We have many of our veterans that have died on the streets of Whiteclay, died back on the reservation, from coming from Whiteclay. And these are some of the issues that we face. I became an educator. I taught, principal, dean of students, principal in the Pine Ridge school system. I've also...was the past president of the Oglala Sioux Tribe. And today I'm speaking for the Oglala Sioux Tribe. First, I have to say that Pine Ridge, if you've never been there, it's a different country. We live in poverty when we should be one of the richest people in the world. The state of Nebraska is in our traditional territories. We have treaties with the federal government. Our treaties state that there can be no businesses. We have a border that surrounds our reservation, yet we have Whiteclay. One of the things I want to say is that we must have respect for each other's governments. The Oglala Nation, we are a nation. And our tribe decided that we did not want alcohol on our reservation because we see what it does to our people. We saw what it does to us. We don't want alcohol. Yet the state of Nebraska sells alcohol at our door step. You know, long ago our people held our children in great regard; our children were sacred, they were welcomed. And since the infiltration of alcohol occurred amongst our people, the regard for our children is gone, they are no longer sacred. The regard for our women, our elders, and one another was altered. This has affected all of our children. And I know we're talking about Whiteclay. You're going to hear about the human trafficking and everything that goes on up there. But I'd like to ask each of you to really consider, think about our children that are coming. You know, went into our housing with poverty; we don't have the housing right now. We need 12,000 homes on the reservation, we cannot meet the needs. As the president, I visited these homes. And some of our homes we have 20-some people living in the house; three or four families living in one home. And when you have that many people living in one home, if you have drugs and alcohol there, bad things are going to happen to our children. Our children are abused physically, mentally, and sexually abused. Our children come to school that way. They come to school because they're hungry. They come to school because their parents are using alcohol. There are many other drugs, but alcohol is our drug of choice. It affects our children. Our children are coming to school, being born with FAS and there's nothing we can do about it. Our tribe, as the tribal president, it's very frustrating because I could not meet the needs of our people. We don't have the infrastructure. Yes, we would like to have treatment centers to help our people, but we don't have the money. We'd like to have detox centers; we cannot have detox centers or Indian health services. The young lady that was murdered, the Pine Ridge ambulance service had to come get her and take her to Pine Ridge. Most of the...everything that happens in

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Whiteclay ends up back in Pine Ridge and we end up covering the cost. Approximately 80 percent of the budget for IHS goes to helping people who were killed or injured in alcohol-related accidents. We have many people with needs: diabetes, cancer, and we cannot help them because all of our budget goes to help people who are...need that service because of alcohol injuries. It's a shame and I really wish the state of Nebraska would consider our tribe's request that there be no alcohol on the reservation. And we know there will still be a problem. If you close these four stores down, we'll still have that problem. We're really hoping that we can get help, help from the great state of Nebraska who can help our people. We need help. We need mental help. Our communities need healing. Our children need healing. There's a...federal government has a trust responsibility to meet our needs. Yet, our governments have never had a needs-meets budget. We've never had a budget that met our needs. We had to sue the federal government to get some of these monies back through indirect cost. I just wish that...I know you're honorable men, that's why you're here, you were elected because you're honorable people, and we wish that you would look beyond...well, we...people that need the money, they need the jobs, I understand that, the businesses in Whiteclay, and I know you have to support them. But our people are dying up there; they're dying back on Pine Ridge and it's very difficult. But I want to thank all of you for listening to me. I wish I could visit with all of you; I wish I could take you back to Pine Ridge and see how our children are suffering because of alcohol. Thank you.

[LR567]

SENATOR LARSON: Thank you, President Brewer. Questions from the committee? Senator McCollister. [LR567]

SENATOR McCOLLISTER: Thank you, Mr. Chairman. And thank you for your attendance, Mr. Brewer. Do you have any solutions that you'd recommend to this body as we move forward?

[LR567]

BRYAN BREWER: We need...and I'll just be blunt, we need to close Whiteclay. [LR567]

SENATOR McCOLLISTER: We need...? [LR567]

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BRYAN BREWER: We need to close Whiteclay. And I know that's going to be impossible. I wish it could happen though. Alcohol is going to be there. We need treatment centers. We need an infrastructure that can help our children, our families. We need economic development. When you have poverty, it breeds all these things with alcohol and everything. And I really believe if we had economic development and we could put our people to work, if we had healthcare where we could help our people, heal our communities, I think that would work. [LR567]

SENATOR McCOLLISTER: One more, if I may. Sherry Wounded Foot was killed last August. Did the State Patrol do an adequate job of investigation of that homicide? [LR567]

BRYAN BREWER: No. I believe the sheriff was there when they took her out in an ambulance. And what I understand is that the sheriff did not even look at the body to see what might have happened to her. She was taken to Pine Ridge. There was no investigation. And we have had many people besides her that were killed in Whiteclay. You know, people have died on the streets. I have family members that have died over there; one was shot, others were frozen, wintertime, frozen on the streets. [LR567]

SENATOR McCOLLISTER: Would you advocate for greater enforcement? [LR567]

BRYAN BREWER: Well, we need more enforcement. But as long as the state of Nebraska does not honor our tribe's request that we don't want alcohol, the alcohol will continue to come across. [LR567]

SENATOR McCOLLISTER: Thank you. Thank you, Mr. Chairman. [LR567]

SENATOR LARSON: Thank you, Senator McCollister. Senator Riepe. [LR567]

SENATOR RIEPE: Thank you, Chairman Larson. About 15 years ago, I had the opportunity to visit Pine Ridge with a delegation from Children's Hospital. We were trying to look at some partnership between pediatrics and Children's at that time. There was a sad situation at that time; it sounds like it hasn't improved much. I'm going back to Senator Pansing Brooks's comment that

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said this is decades-old kinds of problems. So it's very difficult to come after. You go ahead and respond if you want if that's okay. And then I'd have a follow-up question. [LR567]

BRYAN BREWER: Yes. You know, things are getting worse, the FAS, our children that are coming to our hospitals. And the sad part is, our hospitals cannot meet their needs, it's very difficult. So things are getting worse. [LR567]

SENATOR RIEPE: Are you seeing more opioids as well and other serious drugs? [LR567]

BRYAN BREWER: There are other drugs. Meth is becoming a big problem. [LR567]

SENATOR McCOLLISTER: So it's not limited just to alcohol? [LR567]

BRYAN BREWER: No. But alcohol is our drug of choice. There's very few...you know, that seems to be the choice of most of these people is alcohol. There is drugs...other drugs there, but alcohol is the big issue. [LR567]

SENATOR RIEPE: I'm real naive on this, but it's very alarming to hear that you might have 18 people living in one house and no good can come from that. [LR567]

BRYAN BREWER: I went to two houses in one of our communities. The mom believed one had 27 people living in it. [LR567]

SENATOR RIEPE: Doesn't the federal government have some responsibility (inaudible)? [LR567]

BRYAN BREWER: They do. They have the trust responsibility to meet our needs, but the federal government has never honored any of our treaties. They have never met our needs. And like I said, right now we need 12,000 homes. The federal government, HUD, cannot...they give us so much money every year. And we might build 20 houses a year. And when you need 12,000 homes, 10, 20 homes a year does not meet that need. [LR567]

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SENATOR RIEPE: Thank you. Thank you very much. Thank you, Mr. Chairman. [LR567]

SENATOR LARSON: Thank you, Senator Riepe. Quick question, you said that the people of...the tribal members of Pine Ridge have voted no. Has there been a public vote on alcohol allowed on the reservation or just the council? [LR567]

BRYAN BREWER: No. We have had a number of votes where the people voted for it. Was last year's vote that we had, there was a lot of discrepancies, so it went to court. [LR567]

SENATOR LARSON: Okay. [LR567]

BRYAN BREWER: Right now, they're talking about possibly having another vote. [LR567]

SENATOR LARSON: Another vote. And I just wanted that for the record, because I know the council (inaudible)...they put it on the ballot and then took it off the ballot, and I thought there was an actual vote as well at some point, but I couldn't remember for sure. [LR567]

BRYAN BREWER: Yeah, there was a vote. And there were so many discrepancies that the council just voided it out. [LR567]

SENATOR LARSON: Okay. Okay. And I understand that. I was just...this was much more for the record. Another question--should alcohol be allowed on the Pine Ridge, should the tribal members choose to do that, you guys would have the sovereign authority to put your own tax on that, correct? [LR567]

BRYAN BREWER: Yes, we would like to stop it. When I was the president, we brought up a number of measures, we tried to get a port of entry at each entry into the reservation, but we could never get the funds to do it. We have many businesses that come into Pine Ridge that are...don't have business licenses. We have a lot of...the big semis that come through, they sneak through the reservation because there's no weigh scales or anything like that. We need to control that. It's tearing up our roads. One of the things that would really help us is the tourism. If we

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had these ports of entry, we would be able to give out information on the sites to visit, things like that, that would be... [LR567]

SENATOR LARSON: I guess I was getting more to your own sovereignty point. You do have the sovereignty to tax any of these products or any of them. [LR567]

BRYAN BREWER: We do, yes, yes. One of the things with the law enforcement, like Whiteclay has a problem with the law enforcement, there's not enough people there. Our reservation is 3.2 million acres of land; we're the same size as the state of Connecticut and we have 26 police officers right now. We don't have enough officers ourself to meet our needs. It would be nice to have police officers stationed at the Nebraska entrance, but we just don't have the law enforcement to do that. [LR567]

SENATOR LARSON: Senator Schilz. [LR567]

SENATOR SCHILZ: Thank you. Thank you for coming in today. And I just want to continue on this language as you talk about enforcement on the reservation itself and the 26 officers and things like that. How are those positions funded? [LR567]

BRYAN BREWER: Through the Bureau of Indian Affairs. [LR567]

SENATOR SCHILZ: So that's coming from the federal government. [LR567]

BRYAN BREWER: Yes. Federal money comes from the tribe contracts (inaudible) through public safety. We have a grant through them. But it's, again, it's not enough money. We just can't get enough police officers on board to do it. [LR567]

SENATOR SCHILZ: Right. And so any efforts...I guess the question then becomes what...just for my own purposes, what are some of the enforcement things that you are doing on the reservation that you could do a better job at if you had more officers? I know that's very broad. [LR567]

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BRYAN BREWER: Most of our police officers, most of their time, most of their calls are on alcohol issues. That is most of the calls. You look at our jail is always full because of alcohol issues. Most of them there, that's why they're there. Alcohol is our number one problem. It eats up our budget for Indian health service; it eats up our budget for public safety. It's our biggest problem. [LR567]

SENATOR SCHILZ: And I take it with that and having such a large area that Whiteclay is just one of the issues, not the issue, I mean. [LR567]

BRYAN BREWER: Well, with poverty brings a lot of issues, a lot of problems, and alcohol is one of them. Alcohol affects most of our people. There's not one family in our reservation that has not...that alcohol has not affected. The big thing is now our children are coming to school with FAS. Our children are coming to school hungry because their parents are using alcohol. And that's what I'm hoping that you'll all take...you know, pity our children. [LR567]

SENATOR SCHILZ: Thank you. [LR567]

SENATOR LARSON: Thank you, Senator Schilz. Senator Hansen. [LR567]

SENATOR HANSEN: Thank you, Senator Larson. And thank you for coming down, Mr. Brewer. My question is kind of based off what Senator Schilz was asking about during your conversation. The alcohol coming into the reservation, is that primarily, almost exclusively coming from Whiteclay, the Nebraska side? [LR567]

BRYAN BREWER: No, it comes from other areas also. [LR567]

SENATOR HANSEN: Okay. So there are other various...South Dakota? [LR567]

BRYAN BREWER: Yeah. Pine Ridge is our largest community on the reservation. It sits right...two miles from Whiteclay and that's where most of the alcohol comes in from. [LR567]

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SENATOR HANSEN: Okay. So part of that's that your population center is so close to Nebraska. [LR567]

BRYAN BREWER: Yeah. We have bootlegging on the reservation. A lot of that alcohol comes from Whiteclay that they take back on the reservation and bootleg it. [LR567]

SENATOR HANSEN: Thank you. [LR567]

SENATOR LARSON: Senator Hansen hit an interesting point. I think...so, obviously, the Whiteclay is a major area. What other areas...because bootlegging is prevalent on the reservation, is my understanding, and you just kind of touched on that. What other areas or what other stores are used heavily in your...obviously, this isn't an exact science, but from what you've heard that the bootleggers often go to? [LR567]

BRYAN BREWER: Say that again. [LR567]

SENATOR LARSON: Like what other stores other than Whiteclay? Are there stores in Rushville or Chadron or...or that are other large producers for the bootleggers? You get what I'm...you understand what I'm... [LR567]

BRYAN BREWER: Yes. They come in from different places. We have many back roads that come onto the reservation: Chadron, Nebraska; Gordon, Nebraska; they all come from those places also. But Whiteclay is the largest. [LR567]

SENATOR LARSON: Thank you, Mr. Brewer. Any further questions from the committee? Seeing none, thank you for taking your time to come down here. [LR567]

BRYAN BREWER: Thank you, Chairman Larson, very much. Thank you. [LR567]

SENATOR LARSON: Next is fetal alcohol syndrome advocate, Nora Boesem. Welcome to the General Affairs Committee. [LR567]

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NORA BOESEM: Thank you for allowing me to speak today. My name is Nora, N-o-r-a, last name Boesem, B-o-e-s-e-m. I'm an advocate for fetal alcohol spectrum disorder, but I'm a mom through other women's loss. For 16 years, I've fostered children. We foster for the Pine Ridge Reservation. And every day I realize that I love children who...I get to love these children because someone else has had a huge loss in their lives. Luckily through fostering through the Pine Ridge Reservation, unlike through the state of South Dakota, my children's families still remain part of their lives. But they still are not with their family every day. And this is because of the addictions and alcoholism that are going on. I'm going to concentrate on one child today. Her mother is undiagnosed fetal alcohol syndrome. If you spend any time with her and know her history, you'll realize that very fast. She loves her daughter dearly. She would do anything to be able to parent her daughter full time. Due to her daughter's medical issues that are so severe that they cannot even be met within her community, she doesn't live with her mother, she lives with us. So I share that role of mother with her birth mother. Arianna (phonetic) was born 13 weeks early to a mom who drank on the streets of Whiteclay. Every system in Arianna's body has been affected by alcohol. She lives on daily scheduled pain medication. She's five years old. She has already outlived what they thought she would live, but every day is an extra day that we have. Her life span is greatly reduced due to the damage that's been done to her body. We've fostered over 150 children and her story is not unique. We're seeing greater and greater damage to children as the generations go on because of alcoholism. And I know there's a lot of questions about where else alcohol comes from as far as Pine Ridge. And you're right, there are bootlegging people that are bringing it in from other communities. but the fact is that that doesn't make Whiteclay okay. Whiteclay is two miles down the road. It's very easy for people who don't have a car to walk. It's not going to solve alcoholism to shut Whiteclay down, but it's going to send a huge message that the state of Nebraska is taking responsibility for the fact that that used to be a zone where there was no businesses allowed. And all of a sudden when that was removed, we put four beer stores on the very border of a reservation that has done everything it can to keep its people safe. They have been a dry reservation for as long as I guess I can remember. I grew up by Scenic, South Dakota; I grew up near Pine Ridge and have watched friends of mine and their families deal with alcoholism for years. I remember when I first realized we wouldn't have birth children and we decided we were going to foster. The first thing I put is that I did not have the skills to care for children with Fetal Alcohol Syndrome. I knew enough to be afraid. I didn't understand the beauty of these children or all that they had to offer. But the fact is that my

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children that I get to parent suffer every day; they struggle mentally, physically. I will probably bury most of the children that I have adopted. The lifespan of someone with FASD is approximately 34 years old. We've already had to bury two children. And I tell you, as a parent, that's the worst moment in your life. My children's birth parents have had to go through these losses. Arianna's mom is a gentle spirit; she is a wonderful person. Does she have the skills to care for Arianna? No. She forgets. Time goes by so fast for her. She forgets how long it's been. But that doesn't take away the fact that she loves her and that she deserved a chance to be a mom and that was taken away from her because of alcoholism. I think we need to realize that this is decimating a people, a beautiful people. My children's families are being torn apart. And they're paying all the time for alcohol. You know, I'm not naive. I understand that Whiteclay is a portion of the problem. But it's a big portion of the problem right now. And we can try and put blame everywhere we want and we can try and say, well, they'll just go down the road. But I guess if you see someone being harmed in front of you, do you ignore that and think, well, if they go down the road it's going to happen anyway? No, you don't. You take care of the problem in front of you. I will loudly say to anyone who will listen that Whiteclay is causing genocide and we have to do something about it. It's our moral responsibility. I thank you very much for your time. I know you have a lot of people to listen to so I'll end there. [LR567]

SENATOR LARSON: Thank you, Ms...is it Boesem? [LR567]

NORA BOESEM: It's Boesem, yeah. [LR567]

SENATOR LARSON: Thank you. Senator Coash. [LR567]

SENATOR COASH: Thank you, Chairman Larson. Ms. Boesem, do you live in the Whiteclay community? [LR567]

NORA BOESEM: I don't. [LR567]

SENATOR COASH: Okay. [LR567]

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NORA BOESEM: We actually have a ranch up by Newell, South Dakota. I grew up down here at Pine Ridge and I actually worked for a mental health center and I go to Pine Ridge one day a week. [LR567]

SENATOR COASH: Okay. Okay. I wanted to ask questions of somebody who lived in the community. [LR567]

NORA BOESEM: On my lunch hour one day a week, yeah, I go through Whiteclay. [LR567]

SENATOR COASH: Okay, thank you. [LR567]

SENATOR LARSON: Thank you, Senator Coash. Any further questions from the committee? Oh, Senator Hansen, I'm sorry. [LR567]

SENATOR HANSEN: Not a problem. Thank you, Senator Larson. And, Ms. Boesem, thank you for coming down and thank you for all the work you do for these children. I guess my question is, is we're kind of having multiple components. There's the enforcement issue of Whiteclay and possibly shutting Whiteclay down. Let's say that's successful, there's no more liquor stores. What would we have to do to support the population of children suffering from fetal alcohol syndrome? [LR567]

NORA BOESEM: Honestly, we need detox centers; we need...we need detox centers that are educated in how to deal with people who have fetal alcohol spectrum disorder, who are not just going to help them to stay clean, but help them to be trained for work and jobs. People with FASD, yes, there is mental health issues, but less than 20 percent of them are mentally handicapped. I mean, these are wonderful people who are employable, but we're ignoring them. Most of them are ending up in our prisons because we don't provide any support for them. I think if we were to build some economic possibilities down there and train people on how to support people with FASD, there are a lot of people that could be very successful, instead of just treating them like throw-away people, which is what we're doing right now. I think that definitely we need detox centers, we need job training centers, and we need economic development. And I think people would be more likely to come there if they didn't have to see what's going on in

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Whiteclay. I mean, if we could show them that we're changing things, I think we would get that. [LR567]

SENATOR HANSEN: Okay. Thank you. So could you give me a sense of you...you, apparently, are in the area frequently, can you give me a sense of what the current treatment options are, if any? [LR567]

NORA BOESEM: There's a seven-bed treatment center that isn't in Pine Ridge. A lot of people are having to leave their community and they're terrified of that. The mental health center I work for, we have a program called Full Circle for pregnant women and women with small children. And we do get residents of Pine Ridge. And these are women that are then having to completely leave everything they know and come to another area to seek treatment. And Full Circle is only an 18-bed program and it is for our entire state. It's very hard to get in to. And a lot of women really struggle because, like they said, if they go home, there's no after care. And so they're having to give up everything they know in order to try and stay clean at this point. And it doesn't work. Eventually they want to go home; they want to go back to their families. And then they do and the cycle often continues because they get back down there and they don't have the after-care support. [LR567]

SENATOR HANSEN: Okay. Thank you. [LR567]

NORA BOESEM: Thank you. [LR567]

SENATOR LARSON: Thank you, Senator Hansen. Senator McCollister. [LR567]

SENATOR McCOLLISTER: Thank you, Mr. Chairman. If I heard you correctly, and thank you for your testimony, the treatment center you discussed was in South Dakota. [LR567]

NORA BOESEM: Yes. [LR567]

SENATOR McCOLLISTER: Okay. Are there any treatment centers that folks in that area can use in Nebraska? [LR567]

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NORA BOESEM: I know there is, but I don't know if they're inpatient. And I think a lot of them are more down Lincoln and Omaha way. I'm not familiar of anything closer that I know of. [LR567]

SENATOR McCOLLISTER: Thank you for your testimony. [LR567]

NORA BOESEM: Thank you. [LR567]

SENATOR LARSON: Thank you, Senator McCollister. Any further questions? Seeing none, thank you for your time today. [LR567]

NORA BOESEM: Thank you. [LR567]

SENATOR LARSON: Next we have Frank LaMere of the Winnebago tribe, I believe. Welcome to the General Affairs Committee. [LR567]

FRANK LAMERE: (Exhibit ___) Thank you, Mr. Chairman. Mr. Chairman, members of the committee, my name is Frank LaMere. I'm a member of the Winnebago Tribe of Nebraska. I am a Nebraska citizen, and I reside in South Sioux City. I want to share with all of you, with much remorse and at lot of embarrassment, that I've been working on this issue for 18 years, trying to stop the lawlessness, the death, the dying, and the suffering of our Lakota relatives at Whiteclay and Pine Ridge, trying to alleviate the devastation caused by those four stores. I want to share with you...I've given you a statement. I hope you take it to heart. Read it. I sit here, I heard the president of the Oglala Sioux Nation, he greeted all of you--and some of you will pick up on it--he said, mitakuye oyasin. He greeted you. He said, we are all related. Whenever we come together like this with the Oglala relatives, they always share with us, we are all related. And I want us to be mindful of that today if we possibly can, because what that means is that your successes are my successes. Your successes are the Oglala successes. Their failures are your failures. That's how closely we are tied together, and I want to remind us of that. I'm a Nebraskan. I'm a member of the Winnebago Tribe, the Hochungra people, the Winnebago people. We have thoughts much like our Lakota relatives. One of my elders said, the eagle that sits atop the staff from which hangs this country's symbol of justice and democracy, that is our

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lawyer, that is the interceder between humankind and the Creator of things. The Nebraska tribe, the Hochungra people, that's the way we believe. Our relatives, Lakota relatives, believe the same. I want us to be mindful of that as we gather statistics, numbers, talk about efforts. Very important that we know about that. I want to share with you that there have been a thousand inferences shared with me over time in these 18 years that beg the question about Whiteclay. And I want to know that I pretty much heard them all. I heard one today. If we shut Whiteclay down, won't they just drive down the road and endanger others? I don't know. Prove it. If we decide to take those liquor licenses away from the beer sellers at Whiteclay, won't they just sue us? I don't know. Prove it. The Lincoln Journal Star very recently wrote an editorial which spoke to that and said very simply that what we need to do to stop the carnage, the devastation there is to shut down Whiteclay, and if they sue us then let us deal with it. I found that to be one of the most courageous pieces of journalism that I've looked at and recognized over the past 18 years, and maybe even in our Nebraska history. Very courageous for them to do that. Well, the rest of us I hope that we can take heart of what the Journal Star did. I want to share with you that many across Nebraska and throughout Indian country are watching us work today. Every reservation has its "Whiteclay." The Governor, the Liquor Control Commission, and the Legislature are all hoping that you allow them to maintain the status quo and protect the flow of alcohol. They have to. There are many lobbyists in this room today who represent big alcohol and sent all of you checks for your campaign war chests. I've been told of them. It hurt me to see the list. I am certain that they have more checks ready to contribute soon after our confab and hearing concludes today. That's how it works. I am not naive and the Lakotas and other Nebraskans are not naive to that. They want you to do the right thing. They lobby for those who pay them. I advocate for those who have nothing. They stand with their clients. I stand with the FAS kids at Pine Ridge and the families of those murdered at Whiteclay. They stand with a notion about free enterprise and good business. I stand with the truth and with the notion that Nebraskans can be good neighbors. I want to shut Whiteclay down. If one non-Indian was brutalized and beaten to death tonight, like Sherry Wounded Foot was in August and like "Little" John Means was in 1997 and like Wilson Black Elk was in 1999 and like Ronald Hard Heart was in 1999 and like others who have died that we were not told of, we would bulldoze the town tomorrow. It is sad that I, as a Native person, would even say that. I want to share with you, I would think that the numerous unsolved murders at Whiteclay and the lack of investigation in and of themselves would cause Nebraska to act and to take those licenses away. But they won't. It would stop the

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flow of alcohol and the flow of dollars. It would make the Oglala people well at our expense. I want you just to think about that. As the chairman said, mitakuye oyasin: We are all related. That's why we come here today. Last night outside of this building we gathered and we talked about our 150th birthday and how we're going to celebrate it. And I have the privilege of being a part of that planning committee. We're going to celebrate that next March. It's going to be hard to celebrate with Whiteclay looming in the background. We need a time of reconciliation. We need to come together. And it is hard for Native people who drive in and out of our state to read that sign which talks about "The Good Life" and to read that sign which talks about "Nebraska Nice." I don't come here to lecture you here today. I just come here, after 18 years, frustrated and embarrassed that we've not done anything. Lastly, Mr. Chairman, I made a mistake 18 years ago when I went to Pine Ridge (inaudible) to Whiteclay like all of you have done or you will do. You look around and you look and you very simply say, this is a no-brainer. I said that. I should not have said that where money and alcohol and law and lobbyists abound. That's our challenge. I thank you very much, all of you, for your time. [LR567]

SENATOR LARSON: Thank you, Mr. LaMere. Just...we might have questions from the committee. [LR567]

FRANK LAMERE: Absolutely. [LR567]

SENATOR LARSON: Do I have any questions from the committee? Senator Schilz. [LR567]

SENATOR SCHILZ: Thank you, Mr. LaMere, for coming in today. Thank you, Senator Larson. You talked about all the murders that have happened up there and the fact that the investigations either didn't happen or didn't come to a conclusion. Can you give me your opinion as to why that happened and who has responsibility for those? If you could just explain that a little more to me. [LR567]

FRANK LAMERE: Senator, thank you very much. You know, I'll just take the very recent example of Sherry Wounded Foot. We understand that she was beaten badly and brutally on August 4. Sheridan County came and took a look and allowed her just to leave, and she died on Pine Ridge on August 18. We became aware of it. Perhaps shortly after that, a number of people

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in Nebraska began to ask questions. The rest of you Nebraska citizens were made aware of that, I believe, on September 18, that there was a murder there. And, Senator, I want to share with you with "Little" John Means, a veteran; Wilson Hard Heart, veteran; Ronald Black Elk, veteran; Sherry Wounded Foot; others that we talked about and many others identified. It is as if, Senator, that they never even lived. It is as if they never died. They are out of sight, out of mind. I'll be less than charitable, there's a terrible disconnect between Sheridan County and the State Patrol. I questioned the State Patrol about the handling of it. They said, we have not formally been asked to come and investigate. To me, unconscionable. There was a murder there. Sheridan County, who lacks law enforcement, did not even come and ask the state to step in. I hope that's changed now; perhaps it hasn't. And I don't know, I have to just tell you the simple truth, Senator. We don't care. Something like what happened to Sherry Wounded Foot happens tonight, God forbid, in Lincoln, Nebraska, all of us will know tomorrow. Law enforcement will know. There will be a fleet of investigators. I asked very recently the good major at the State Patrol. I have not forgotten "Little" John Means, 1997. I have not forgotten Hard Heart and Black Elk. That's why I went there. I said, perhaps you need a cold case unit to go back. And he said, we have the resources to deal with that. There's many unsolved murders. We'll talk about four or five that we know of. I am understanding somebody even referenced the killing fields north of Whiteclay, those fields between Whiteclay and Pine Ridge. Many die on Pine Ridge--not in our purview. We do not have to take responsibility for them, but they, too, are gone. If somebody truly took a look at unsolved murders attributable to us, Nebraska taxpayers, the state of Nebraska, we would be astounded. We would be amazed. We would be more than embarrassed. I will say scores--yeah, I'm on the record--I will say scores of unsolved murders attributable to Whiteclay. It's a tragedy. It's even a national tragedy. I'm glad, Senators, at what we've been able to do and what you've done today is we have taken the issue and we've elevated it. And I want to share one thing also with you, because I've seen this for many years. All of you, all of you senators here, when you go home and you talk about what happened here, you will be marginalized. Your wife, your neighbor, your coworkers, your employer, your employee: Well, you did that, Senator Larson? Why did you do that? It is because what we're fighting is the status quo. This is always the way that it has been. And that is so tragic I think to all of us. If we took a look at the devastation that happens there, it's enough to make you do nothing in this Legislature except stop and deal with it. But we don't do that--out of sight, out of mind. And that's what I would share with you, many unsolved murders. I would hope perhaps something could come from this body. Give me a true

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picture. I talked to the good president last night. We talked about five unsolved murders. He told me very simply, there's many more than that. You'll hear that from others from Pine Ridge. There's many more than that. We can attribute them back to us. We have beautiful parks in Lincoln. We have beautiful waterfalls over there in Omaha. And a lot of the dollars of revenue goes for that comes from Pine Ridge, comes from Whiteclay. I have been dealing, Whiteclay, 18 years. And if we just take the simple amount of dollars in real terms and we can say that there's perhaps 75 million cans of beer; \$75 million sold in my time and millions and millions and millions of dollars generated in taxes and revenue to Nebraska. We export the misery to Pine Ridge. [LR567]

SENATOR SCHILZ: So I...no, you're fine. Thank you. The fact that I... [LR567]

FRANK LAMERE: I thank you so much. I apologize. [LR567]

SENATOR SCHILZ: No, you're fine. So what I understand you saying, as far as the investigations that are going on, there's not enough resources that are being put to work that and there's a disconnect between the county and the state enforcement, as well as...now, does that happen both in South Dakota as well as in Nebraska? [LR567]

FRANK LAMERE: I will speak to Sheridan County and the State Patrol. Get them in front of you and ask them and watch them point fingers. [LR567]

SENATOR SCHILZ: Okay. Thank you. [LR567]

FRANK LAMERE: I simply glean that from my simple conversations with them. It's not my call, it's their call. It's something...and then...and people get murdered, they're not solved. Wounded Foot murder, any leads? [LR567]

SENATOR SCHILZ: I appreciate it. Thank you, sir. [LR567]

FRANK LAMERE: Thank you. [LR567]

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SENATOR LARSON: Not quite yet, Mr. LaMere. [LR567]

FRANK LAMERE: Oh. Apologize, I'm sorry. [LR567]

SENATOR LARSON: First a comment, then a question. I appreciate your passion on the issue. It's well admired. You know, I can understand your frustration with, as you said, the lobbyists and capitalists and whatnot. This Legislature does take tribal relations very seriously. And as you said, we are all related. I know we have a former member of the Tribal Relations Chairman on this committee. And we, as a Legislature, have also last year created a special committee and which I chair that's focused on economic development within the tribes in the state of Nebraska. And that's something that I am very passionate about. I was actually just on the Winnebago Reservation last week talking to both the presidents of the Omaha and Winnebago Reservation to look at these things. So we do take state-tribal relations very seriously within this Legislature. And we understand, so goes all of us together. We do want what is best for the state as a whole. Moving towards more of a question, are there other solutions? And I appreciate your, well, try banning it and see what happens. I'm after much more of a holistic approach. What other solutions other than banning could we think of to work to solve this problem beyond just banning alcohol, because, as I said, I think a true holistic approach is the proper method. So I'm asking you, besides banning, what else is there? [LR567]

FRANK LAMERE: You know, naturally, everything I say is premised on closing. And the reason I simply say that, I believe that what we're talking about with regard to simple treatment as mitigation, what that is, is that's a responsibility that perhaps we and others have for what has already happened there. I do not understand, Senator, the logic of us being able to put dollars and resources into something that is long term and has a vision, has a mission, and comprehensive. And the reason I would say that, with all due respect, good God, we cannot even deal with this clear and simple. We have the law of 53-132 to shut Whiteclay down right now. I don't even think it takes work from you if we had those in the public trust who truly did the job. I cannot answer that question, because I think we have the laws on the books to shut it down. And I don't understand. As a Nebraska taxpayer, I would question you. You know, we're going to do this and this and this, but we're going to let the flow of alcohol continue. It is...that, to me...I just...a long time ago I used to think like that. But I don't understand the logic of it, because if we cannot see

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the clear and simple in what we can do, how we going to do the comprehensive? I always tell people, and I'm less than charitable in doing it, good God, I want to end world hunger. I want to end world peace (sic). I can't even enforce the law at Whiteclay. I can't even investigate a murder at Whiteclay. To me I'm stuck on Sherry Wounded Foot and how we handled that case. The other night, Mr. Chair, I viewed a video, I hope you all have looked at, of an FAS child. And that FAS child I understand had seizures. She's a four-year-old girl, bubbly, like our grandchildren. And I saw this documented, because they had to do that for the doctor. And she had a violent seizure. It was horrendous. I looked at it, and I'm like any grandfather, I'm like any father, I want...I'm calloused, I want to be callous to that. And I said, oh, I'm sorry to see that, and I'm glad that doesn't happen very much. And that's my defense. And she said, Frank, this happened 130 times. And I said, well, I'm glad they just last for 45 seconds. And that's the way we think. She said, one lasted seven hours. That's from alcohol that we tax. We spend the revenues here. We export the misery to those women and men, vulnerable, and those children. And I guess it's hard for me to wrap my head around right now and just around the fact that we can do anything. If we cannot see the clear and simple that we've got to act on, we've got to stop the flow of alcohol immediately. And then we work, Senator, then we work on the mitigation of it. That's my thought. I sit where all of you have sat in my thinking. I'm hopeful, like Nebraskans are. It was a no-brainer. Eighteen years from now we'll still be saying it was a no-brainer and we'll lose another generation of those kids. And for that four-year-old, the most troubling part of that, Mr. President, was when everything was done she was normal again. And for that 45 seconds she screamed for her mother. She had no idea what was going on. If we were to see that here, we would act. If we would see the woman who's going to get beat tonight, you would act. But it's a long way from here. We can insulate ourself to it. We've been able to do that for 18 years that I know of, and we can't do it anymore. I share that with you, and I apologize to all of you. This is anger at myself, at the Winnebagos, the Omahas, the Poncas. Nebraska tribes should have taken care of our relatives, our neighbors a long time ago. So, Mr. President, I apologize to you again. I thank all of you for your time and I hope you act. Act! Elevate the discussion. You're already marginalized, you might as well act. So I share that with all of you. Mr. Chairman, thank you. [LR567]

SENATOR LARSON: Thank you, Mr. LaMere. [LR567]

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SENATOR McCOLLISTER: Mr. Chairman. [LR567]

SENATOR LARSON: Oh, Mr. LaMere, we had a last-minute question from Senator McCollister. I'm sorry. [LR567]

SENATOR McCOLLISTER: Based on the testimony we've heard from Mr. LaMere, I was wondering if we could recall the Major Otte to come up and answer a couple of questions related to the death that occurred in Whiteclay. [LR567]

SENATOR LARSON: Why don't we get through the invited testimony and see how many of the public are interested. I want to make sure we have a public thing...enough of the public to have an opportunity. And then if we need to, if we have a little bit of time we'll kind of call him back. Or if you're interested, we can look deeper into that. But I want to make sure enough of the public has an opportunity to speak on this issue before we get drilled down into a lengthy conversation with Mr. Otte, because we do have a lot of people here. And I want to make sure everybody has that opportunity. [LR567]

SENATOR McCOLLISTER: Well, there were some questions that were raised with that testimony with regard to that death in Whiteclay. And we need to know what the state...whether or not they actually investigated that crime and the interface between the State Patrol and the Cherry County. So thank you, Mister... [LR567]

SENATOR LARSON: Sheridan County. [LR567]

SENATOR McCOLLISTER: Sheridan. [LR567]

SENATOR LARSON: And, Senator McCollister, I have no problem with this committee in Exec Session discussing something of that nature... [LR567]

SENATOR McCOLLISTER: Okay. Thank you. [LR567]

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SENATOR LARSON: ...if we don't have time. But I want to make sure we get through the public first. And if we need to recall the State Patrol we can at some point. Thank you, Mr. LaMere. Next is from the Alcohol Justice Institute, Sonny Skyhawk. Welcome to the General Affairs Committee. [LR567]

SONNY SKYHAWK: Thank you very much. Thank you, Senators, for again listening to our people about these very serious issues that we call upon today at Whiteclay. I want to personally thank Senator Brooks for her interest and her work in gathering people and this committee together to be able to address this very important issue. My name is Sonny Skyhawk, S-o-n-n-y S-k-y-h-a-w-k, and I serve as a member of the board of directors of Alcohol Justice. I was born in Nebraska and I'm a proud citizen in the Sicangu Lakota Tribe of the great Lakota Nation. I am but one of many Native advocates who over the years have addressed this issue to deaf ears, and we pray that this time our pleas and words are finally heard. I cannot stress enough how serious this discussion is, involving life and suffering. Let me begin by imploring upon you that my people are dying needlessly almost every day. Our cemeteries are overflowing and our children, afflicted with the fetal alcohol syndrome, continue to suffer seizures every day. That is the gravity of my concern and why I appear before you today to vehemently urge you to do what is humanly necessary to close the liquor stores at Whiteclay. When most people address the issue of Whiteclay they readily quote statistics and trade blame as if human beings were a mere commodity to be bartered with. I impress upon you that the lives of our people matter, that they are not inanimate objects but heart pulsating, breathing human beings worthy of your consideration. Very few of our people share in the premise of the American dream because they are caught in the time warp of despair and nightmare related to alcoholism. The Creator-given right or the basic life expectations and aspirations about living that you or your next-door neighbors might share rarely exist in the realm of being the victim of an alcoholic family. Allow me for a moment to be specific and make a point about the lives that are at stake here. And I ask you to consider two words, two very harsh words. They are "murder" and "genocide." Murder is defined in dictionaries as the taking of a human life by another human being. Genocide is defined as the deliberate killing of a specific ethnic group or nation. These may be harsh words but no less the descriptive hidden reality of the actions that exist and are occurring at Whiteclay. History vividly indicates that, at the very least, for the last century alcohol has existed in the area due to illegal bootlegging, followed then by the legality of it by the state of South Dakota...I

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mean by the state of Nebraska. I'm sorry. Allow me to further opine that the state of Nebraska has been knowingly and cognizant of breaking its own laws by lending a blind eye, as they say, to the proposition that has historically disrespected and not cared about the Pine Ridge Reservation being a dry reservation. If you were to examine the liquor laws and statutes that define off-sale, you would come to the blatant black-and-white conclusion and admission that if there is no legal establishment within a 50-mile radius of Whiteclay where it is legal to drink, then the state of Nebraska is knowingly breaking and perverting its own laws. I'll remind you that if it is illegal to drink on the Pine Ridge Reservation and it remains illegal to drink openly in public in the state of Nebraska, these establishments at Whiteclay, along with the people of the state of Nebraska, are willfully consenting and complicit in breaking their own law. The state of Nebraska and its people have had their head in the sand for far too long, and the time has come to fess up. Silence is a tacit approval of what has been the ongoing killing fields of Whiteclay, and it has been allowed by your deafening silence or reluctance to admit that the ongoing suffering going on at Whiteclay was not our issue. I submit that it is not only our issue as Nebraskans, but it is unconscionable that if you are a breathing human being with any sense of what is humanly right, regardless of the color of your skin, this is your issue. I and those colleagues who work so diligently to keep this catastrophe in the eyes and minds of the mainstream public are not going to go away. You can either continue to be part of this historical wrong or be part of the solution of this horrific issue by declaring an end to the sale of alcohol at Whiteclay and these establishments who sell death to our people and our children. I refuse to believe that the good people of my state of Nebraska feel good about utilizing tax revenue from property and liquor sales at Whiteclay to build schools, while our innocent Native children are deprived of a decent meal and a place to live because their parents are caught in the addictive throes of alcoholism. [LR567]

SENATOR LARSON: Mr. Skyhawk,... [LR567]

SONNY SKYHAWK: Last,... [LR567]

SENATOR LARSON: ...please wrap up. [LR567]

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SONNY SKYHAWK: ...the Native people of America are experiencing a renewal and renaissance, if you will, and the victims of Sacred Stone encampment in North Dakota serve as a testament to the power and strength of standing up, opposing what is wrong. Social media and the pursuit of that which is humanly right cannot and will no longer be denied. Again, I implore upon you to take tangible action to stop this mindless endeavor and close Whiteclay. Today can be equated... [LR567]

SENATOR LARSON: Mr. Skyhawk, there are a lot of people in the room. I appreciate that. [LR567]

SONNY SKYHAWK: I thank you very much. And thank you for listening. [LR567]

SENATOR LARSON: No, no, and I'm sorry, I just... [LR567]

SONNY SKYHAWK: That's quite all right. [LR567]

SENATOR LARSON: ...I have a full... [LR567]

SONNY SKYHAWK: I was done. [LR567]

SENATOR LARSON: All right. [LR567]

SONNY SKYHAWK: Thank you. [LR567]

SENATOR LARSON: Are there any questions from the committee? Seeing none, I am sorry to cut you short. [LR567]

SONNY SKYHAWK: No. [LR567]

SENATOR LARSON: I just want to make sure everybody has an opportunity. [LR567]

SONNY SKYHAWK: Thank you, sir. [LR567]

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SENATOR LARSON: Thank you. Next, with the Nebraska Family Alliance, Mr. Nate Grasz. Welcome back to the General Affairs Committee. [LR567]

NATE GRASZ: Thank you and good afternoon, Chairman Larson and members of the General Affairs Committee. My name is Nate Grasz, N-a-t-e G-r-a-s-z. I'm the policy director for the Nebraska Family Alliance and represent them in my testimony. It's a privilege to appear before you today. The need to address the issues taking place in Whiteclay and the surrounding area crosses all faith bases, all religions, and all belief systems. What is happening in and around Whiteclay is tragic, and the alcohol impacting both Whiteclay and the Pine Ridge Reservation, just a few hundred yards across our state line, is nothing short of an epidemic. We know the figures and we know the damage. Children are being born into broken families and are exposed to alcohol and violence while they are still developing. Alcoholism on the reservation is estimated to affect over 85 percent of the families. The suicide rate is more than twice the national rate. Teen suicide is 150 percent higher than the national average. And one in four babies are born with fetal alcohol spectrum disorder. People are even prostituting themselves for money to purchase alcohol, sometimes for as little as \$5. And we know that sex trafficking is also taking place in the area. This is all happening despite alcohol being banned on the reservation. With 3.5 million cans of beer sold each year in Whiteclay, it is obvious that much of the alcohol that is causing so much damage is coming from Nebraska and there is not enough law enforcement in Whiteclay to enforce the law and stop the bootlegging, public drunkenness, and violence that is causing so much harm. To think that an unincorporated town in Nebraska of just 11 people could be contributing to the destruction of so many lives on the Pine Ridge Reservation and in the very streets of Whiteclay is unconscionable. It is imperative that we recognize that this is not just about adults making bad decisions, because innocent third parties, families and children, are being hurt. The known national average for fetal alcohol syndrome is less than 2 per 1,000 live births, yet this entirely preventable birth defect is diagnosed in at least 1 out of every 4 children born on the Pine Ridge Reservation. According to the Centers for Disease Control and Prevention, alcohol in the mother's blood passes to the baby through the umbilical cord. This means that when a woman drinks alcohol, so does her baby. The alcohol interferes with the child's ability to get enough oxygen and nourishment for normal development. Innocent children in the womb are literally drowning in alcohol from the predatory beer sales in Whiteclay and are left with mental and physical disabilities for life. South Dakota's Department

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of Health and Human Services showed that in 2014 there were 312 live births in Oglala Lakota County, which covers most but not all of the reservation. With the conservative 1 in 4 estimate, in just one year that's at least 78 babies affected for life because of alcohol, because they were subjected to something against their will while in the womb. This is about more than individual responsibility because these precious, innocent lives are being damaged by something entirely preventable and out of their control. If this were happening anywhere else it would be addressed and fixed immediately. But because it is so far out of sight and out of mind it has continued. We recognize that there is no easy fix to the situation in Whiteclay, but doing nothing isn't working. We must keep working instead to find a solution and build common ground, because every day families and children are being hurt, including the most innocent of all, children who are still in the womb. And it is now undeniable that Nebraska has contributed to that problem. Ultimately, Nebraska cannot fix a reservation in South Dakota. But we can work with the local government, law enforcement, and the tribe to do our part. We can clean up Whiteclay. We can tear down abandoned buildings. We can enforce the law and cut down on the violence, public drunkenness, bootlegging, and trafficking. There's no simple solution, but what is taking place here today is important because we're talking about the issue instead of avoiding it. And that is what we must keep doing and why we are so grateful for the tremendous efforts of so many, especially Senator Pansing Brooks. And we applaud her for refusing to let this issue fall through the cracks. It is our hope that you will consider the innocent lives impacted by what is happening in Whiteclay and keep working to find solutions, because Whiteclay is no longer just out of sight and out of mind. It's here and we can and must do better. Thank you. [LR567]

SENATOR LARSON: Thank you, Mr. Grasz. Any questions from the committee? Seeing none, thank you... [LR567]

NATE GRASZ: Thank you. [LR567]

SENATOR LARSON: ...for coming back,... [LR567]

NATE GRASZ: Thank you. [LR567]

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SENATOR LARSON: ...especially after last time. Next up, the Lincoln Whiteclay activist, Alan Jacobsen. [LR567]

ALAN JACOBSEN: Sorry, I'm undressed. [LR567]

SENATOR LARSON: We don't have a dress code in this committee. [LR567]

ALAN JACOBSEN: All right, I'm going to get rid of it. [LR567]

SENATOR LARSON: Please. [LR567]

ALAN JACOBSEN: Good afternoon, Senators. Senator Larson, thank you for the opportunity to be here. I'm Alan Jacobsen. I'm a local businessman. I'm a father of three. I have 13 grandchildren. I graduated from the University of Nebraska; several in the family are alums. I share that with you because I approach Whiteclay and all problems as pro family, pro business, pro-Nebraska approach. And one of the things that I was very proud of in being a Nebraskan was to be with Senator Brooks, Mr. Bartee from UNMC to be able to go to Pine Ridge and be part of a group, a nonpartisan group, to talk about the problems that exist at Whiteclay and in Pine Ridge. And one of the things that struck me from a family standpoint was in that conversation, at the end of it I asked how Whiteclay plays into the equation of the holistic approach that was being discussed. And Charles Sitting Bull called the problem historical trauma and he talked about Russell Means and Wounded Knee. He referred to several family members who had been lost to alcoholism, and he reminded us that historical trauma is because of relationships that have been undermined by decades of broken trust. Anybody who's lost somebody to alcohol understands historical trauma. I lost a father-in-law. I lost a grandson, who was entrusted to a babysitter who got drunk and, in the course of trying to find more alcohol, ran his head into the cabinets, dropped him until he was dead. The phone call at 1:30 in the morning to be told that your grandson is dead because somebody was drinking is devastating. And so I get that and I understand it. I understand the historical trauma. When you leave Pine Ridge and you come back across the Nebraska border, it's also traumatic. You run into the first town, a Nebraska town called Whiteclay, that is littered with trash. There are people living on the street and it's tragic. And I guess from a business standpoint I look at this and the people who have been issued liquor

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licenses have really lost their mooring. If you look at the Hippocratic oath that all of us as businesses are supposed to take it's, above all, knowingly do no one harm intentionally. And they've also lost their main purpose and mission with the national Brewers Association. It says: To encourage the responsible consumption of alcohol. It's not being done. When you look at the norm, alcohol is supposed to be part of a celebration. Whether it's wine at dinner, whether it's beer at a tailgate party, or whether it's champagne at a wedding, those are celebratory. What's happening there are literally sales that are being made to people who have an addiction and unable to control it. When you look at the problems at Whiteclay and you look at it from a business standpoint, a lot of times you don't say, okay, who's at fault? Who's to blame? And we talked about, well, these businesses, they have a constitutional right to be there. Well, if you look at that, they don't meet the statutory requirements to even have a liquor license. There are ten requirements that are required. And John Maisch, I believe you have a copy of that. If you don't, we can get that, Senator Larson. But I asked one of the business owners there in a discussion that we had while I was there and he said, I probably couldn't get a liquor license today. And I said, why? He said, I don't meet the statutory requirements to have a liquor license. And I said, then why are there still four liquor licenses there? And we're being told that the requirements that have to be met to sustain that license are different than the ones when you get it. To me, when you look at the conditions, it's tragic that we can't apply the same rule to continuing them as we do in...when we issue them. I think the excuses...and I've put together something for you because I spent a day before our group met in Pine Ridge and I spent a day after. I spent an hour and a half with the sheriff there that evening. And in the course of it, I put together...I came up with 14 excuses that we use why we shouldn't close Whiteclay, and I gave explanations. You have those. But two of the ones that stand out are: If you close Whiteclay they'll just go get their alcohol somewhere else or it's a free market system--that's the one that probably gets me the most--and that they have the right to not have sales restricted. But we know that's not true. The Twenty-First Century (sic--Amendment) to the (U.S.) Constitution ended Prohibition and it gave the states the right and the responsibility to regulate the sale of alcohol. The Legislature gave the Liquor Control Commission broad discretionary powers to govern the traffic in alcohol liquor and to enforce strictly all provisions of the act in the interest of sanitation, purity of products, truthful representation, and honest dealings in a manner that generally will promote the public health and welfare of the community. It's not happening at Whiteclay. At some point when we look at this, we have to reach a point where we either take the bull by the horns, if you will, or we become

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complicit in allowing what's going on there to take place. I'd like to close with this: There was a day when there was what was called a Whiteclay extension. It was 5 miles wide and 50 miles long. Many of you know or are familiar with it; it came as a result of President Arthur. And there was a trading post there. And some of you may know I raise buffalo. And so I was interested in the fur trading company that was there and I went down and talked to the people. And the fur trading company is still there...the buildings, not the...but the museum is there. And it's interesting because there is a logo of the trading post, which was a box in a circle. And it served as an inspector's mark on guns made for the Indian trade. It appeared on the lock and the barrel. It served to inform the Indian customer that the firearm was of good quality. You might say, that was Nebraska at its best, not only in the products that it sold, but in the customer relations that it fostered. Integrity was important then and it should be important now. To maintain the Nebraska brand, I would encourage you to do whatever we can to close the four stores in Whiteclay. [LR567]

SENATOR LARSON: Thank you, Mr. Jacobsen. Any questions from the committee? Seeing none, thank you for coming. [LR567]

ALAN JACOBSEN: Thank you very much. [LR567]

SENATOR LARSON: Next, from UNMC, Dr. Fernando Wilson. [LR567]

FERNANDO WILSON: Hi. I am Fernando Wilson, spelling is F-e-r-n-a-n-d-o W-i-l-s-o-n, a faculty member in the UNMC College of Public Health, and I'm also acting director of the UNMC Center for Health Policy. I was invited to testify on behalf of LR567, which examines a public health emergency in Whiteclay, Nebraska. I am here speaking for myself and not as a representative of the University of Nebraska. The mission of the Center for Health Policy is to evaluate policies and undertake research to improve population health. Therefore, given the substantial socioeconomic and public health challenges faced by the tribal community of Pine Ridge, our center has a strong interest in solutions to these challenges. These challenges include: poor health outcomes, such as a very high rate of fetal alcohol spectrum disorder; poor access to clinical care; and a high rate of poverty. From the perspective of public health, the data I have seen would suggest that the situation in Whiteclay would warrant the designation of a public

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health emergency. However, my visit to Whiteclay and Pine Ridge revealed additional concerns that are not fully reflected in the statistics. For example, there is a need for an up-to-date, comprehensive surveillance system to monitor the incidents and treatment of alcohol, drug, and other disorders. Lack of a surveillance system makes timely and efficient allocation of public health resources to address emergent crises difficult. There are also substantial shortages and high turnover of professionals with training in the treatment of mental health, alcohol, and substance use. The urgent need for more social workers, for example, was highlighted as a major issue in Sheridan County and on Pine Ridge. The College of Public Health can help address these concerns in a number of ways. First, I have met with other faculty in the college to discuss a feasibility of creating a comprehensive and sustainable surveillance system. Second, our college currently has agreements in place with the Great Plains Indian Health Service to potentially allow placement of our master's students, master's of public health students, in Pine Ridge. These placements may help supplement the public health and health services work force on the reservation. In addition, our college has a joint degree program with the University of Nebraska-Omaha's Master's of Social Work program. Like our public health students, these students can also potentially help address the serious work force shortages in social work. Thank you for providing me this opportunity to testify. [LR567]

SENATOR LARSON: Thank you, Mr. Wilson, for your testimony and the fact sheet. Are there any questions from the committee? Seeing none, thank you for making the trip. [LR567]

FERNANDO WILSON: Thank you very much. [LR567]

SENATOR LARSON: And the last of our invited testimony is our member of the Nebraska Indian Affairs Commission, Judi gaiashkibos. I always struggle with it, I'm sorry, Judi; gaiashkibos. [LR567]

JUDI GAIASHKIBOS: Thank you, Senators, and my name is Judi gaiashkibos, J-u-d-i g-a-i-a-s-h-k-i-b-o-s. I am the executive director of the Nebraska Commission on Indian Affairs, and I have been in this position for 21 years, so I've been before committees like this for quite some time. And I hope today that...I'm feeling optimistic that we have all the right people together and that everybody is committed to making a difference and doing something positive. As Frank

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LaMere said, he has committed 18 years of his life on this issue. As a mother and a grandmother, I, too, have committed 21 years of my life for my people and for the great state of Nebraska. I am honored to serve all of our tribal people in our state. Twenty years ago I took my eldest daughter--at that time she was a young girl--to Whiteclay. We drove up there because I was starting in this position and I wanted to see what Whiteclay really was, what was going on up there. Twenty-one years later, this morning my daughter, who is now an attorney in Washington, D.C., called me as we always have our morning conversation as she's driving to work at Akin Gump in Washington, D.C., from Alexandria, Virginia. And she said, mom, I want to wish you good luck today on this hearing at Whiteclay, and I hope today will be the beginning of a new beginning. And we talked about that ride over there all those years ago. And my daughter was fortunate to get to go to college, to go to Columbia Law School, and now she works for Indian people. But so many of the children at Pine Ridge don't get to have that opportunity. And I want...one thing I want to make sure that I leave you with today. I want you to understand that Indian people are not throwaways, that our lives matter, that our children can succeed, given the right opportunities, and at Pine Ridge in the midst of all this. The Red Cloud Indian School on that reservation have the highest rate of Gates Millennium Scholars. So in the midst of poverty, there are families that are succeeding and children that are going to college. Everybody isn't dying at Whiteclay. Many of the families that I talk to up there, they feel bad because their loved ones go down to Whiteclay. And I think everyone in this room has a relative or friend that suffers from the disease of alcoholism. And they say, you know, we're doing our best to live with this. But what I'd like to say today is, I think you've heard in the testimony that this is not just about Native people. This is about all of Nebraska. And for the first time in 21 years, I've seen throughout the state, beginning with Senator Patty Pansing Brooks, strong leadership to address this in a different way. We're not going to sit here and cry around about the poor, pitiful Oglala Sioux. No. Today we're going to stand tall to say, the state of Nebraska is going to take responsibility. We're going to enforce our laws. And if they're not being enforced or if the Liquor Commission doesn't have the authority, let's look into why they don't. That's what I'm asking all of you as legislators to do. Going back to Governor Nelson, Governor Nelson had the Tiospaye, committed \$25,000 to go, a task force of us. Governor Johanns had the first State-Tribal Committee with then-president John Yellow Bird Steele. Governor Heineman, with Senator Loudon's support, we had some grant money go forward. But law enforcement hours went from this to down. Today you heard that they went from 45 up to quite increased under Governor

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Ricketts. So I felt with a new Governor, that today there was some sun shining on Whiteclay and our Lakota relatives and all of the tribes of Nebraska and all of us here. And I'm committed, as a director of the Indian Commission, working with all of you, with our Governor, with the state of South Dakota to try to come out of this hearing with recommendations that aren't just put on the shelf, like was the case with Senator Louden's. I want to see action. I want you to craft something that is meaningful. And I think we can't look at this in one way. Perhaps shutting down all those liquor stores would be the solution. I don't think there is a silver bullet solution, so I'm looking at the bigger picture. I think we have to approach it from many, many different ways so that we can come out and say that we, all of us, have made a difference at Whiteclay. I think it's our responsibility and that's what I'm committed to doing. And I want to be able to call my daughter up and say that I worked with you and we made a difference. And her little boy, my grandson, I want these children of the future to know that Indian lives matter at Whiteclay, in Nebraska, and in America. Thank you. [LR567]

SENATOR LARSON: Thank you, Judi. Any questions from the committee? Seeing none, thanks for your work on the issue and within the Commission on Indian Affairs. [LR567]

JUDI GAIASHKIBOS: (Exhibit ___) I have 130 letters that were sent to me from all across the United States supporting Senator Patty Pansing Brooks's position and what I recommended to the Governor and what his task force came up with. So I'd like to enter those 130 letters to let you know that America is watching us and we have an opportunity to be Nebraska Nice, so for the record. [LR567]

SENATOR LARSON: Aaron will take those and we'll get them all scanned in and sent in a PDF to the committee. [LR567]

JUDY GAIASHKIBOS: Thank you. [LR567]

SENATOR LARSON: All right. Invited testimony took a little longer than I was told. So how many do I have in here that would like to testify? All right. As people come forward, just make sure...well, hold on. Just bring your stuff in if you're going to talk. If you're not going to talk, then we'll take just sheets if you don't want to talk. So if you want to...if you have written...oh,

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it's for her? Oh, okay. I'm sorry. But as one comes, I'd like...you guys can move forward and so we can move through this. Again, we'll put it at five minutes and then open it up to questions. Thank you. Welcome to the General Affairs Committee. Oh, three minutes, I'm sorry. Thank you, Patty, Senator Brooks. Three minutes to help get everybody coming through and then we'll open it up to questions. Please state your name and spell it for the record. [LR567]

OLOWAN MARTINEZ: Hello, everyone. My name is Olowan Martinez, you spell it O-l-o-w-a-n, last name Martinez, M-a-r-t-i-n-e-z. I just want to thank you for hearing my words today. My name is Olowan Sara Martinez and I was born on the Pine Ridge Indian Reservation in the community of Porcupine. I come from the Thunder Hawk tiospaye, the families, and I am a survivor of the dysfunction that stems from the genocidal hole known as Whiteclay. Why do I say survivor? Because I was molested by a drunken uncle and I survived the shame; my little brother dead at the hands of a drunk never convicted; parents both dead from cirrhosis of the liver; torture of self due to shame of childhood trauma. And I'm alive today, I'm sober. And again I say, I survived. I'm a survivor. I will continue to survive near genocide by advocating for my people to break the cycles of alcohol addiction because I am living proof that it can be accomplished. My story is mild compared to some. I have tried to get friends and relatives to come forward. One, in particular, my mushke (phonetic), a lifelong friend, to come forward with her survivor story of her life spent in Whiteclay. But her shame of sexual abuse and rape prevents her and stops her from doing so. In her own words, she says, why? No one cares. Nobody cares. I just want to make sure everyone knows that it's been 112 years since Nebraska has been intentionally poisoning the Lakota through Whiteclay and banking off of our misery. In your history books, it talks about alcohol being used as a weapon in the political, economic, and sexual exploitation and manipulation of Native peoples in acquisitions of our lands and the displacement of our peoples. You, Nebraska, refuse to allocate funds for Nebraska...for investigations into unsolved murders, but yet you spent almost \$1,000 to extradite me back from North Dakota. I'm sorry, that just don't make sense to me. The continued granting of liquor licenses to Whiteclay, knowing the disease of alcohol addiction is rampant within our reservation, places a great moral responsibility on the state of Nebraska to stop engaging in such exploitation. I do take Whiteclay very personally. I take it personal because I have witnessed from a very young age the dysfunction of alcohol. I have felt the despair, and I know the hopelessness of alcoholism. But today I do see a light at the bottom or I do see a bottom to this

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genocidal hole, because I see Nebraska trying to take accountability for Whiteclay. So I have questions, I guess. I don't expect you to answer them, but I do want you to think about them. Will Nebraska take accountability for Whiteclay? Or do the Lakota people take this matter of liquid genocide back into our own hands to rid ourselves of Whiteclay? Do we walk towards the future together as neighbors or do we continue to walk forward with mistrust and racism that will lead us nowhere? So again, I do have these questions and I'm willing to answer any questions that you have of me. But again, I ask you to think of our futures together as neighbors, because we are neighbors. We are. And again, the racism and the mistrust that was laid out before us in past generations, it's possible to mend those things and we can walk forward together in a good way. So those are my...that's my statement for you today. And again, ask and I'll tell no lies. [LR567]

SENATOR LARSON: Thank you, Ms. Martinez. I appreciate your testimony in front of the committee. And do we have any questions? Senator Riepe. [LR567]

SENATOR RIEPE: Thank you for being here. I do have a concern though. You had fundamentally made a threat that said, if we do not do something about Whiteclay that you will. And I just...I want some clarification on the record in regards to that. [LR567]

OLOWAN MARTINEZ: Well, I guess you could refer back to the reason why I was extradited from North Dakota to Whiteclay, because myself and many of my relatives, we took it in our own hands to do nonviolent, direct actions in Whiteclay. [LR567]

SENATOR RIEPE: Okay. I'm comfortable as long as it's a nonviolent threat, if you will. Thank you, sir. [LR567]

SENATOR LARSON: Thank you, Senator Riepe. Any further questions from the committee? Seeing none, thank you for traveling down here to Lincoln. Welcome to the General Affairs Committee. Please state your name and spell it, and you'll have three minutes. [LR567]

ELLE HANSEN: Good afternoon, Senators, members of the committee, guests, legal counsel, and clerk. My name is Elle Hansen, E-l-l-e H-a-n-s-e-n, I'm a resident of Lincoln, Nebraska. I am a member of the Choctaw and Cherokee Nations of Oklahoma. I'm also an addict in recovery,

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a member of Alcoholics Anonymous and Narcotics Anonymous. Also a survivor of human trafficking, rape, sexual assaults, etcetera, etcetera, and many other things. I'm here today to tell you that closing the stores at Whiteclay is not the panacea that many want us to believe that it is. Addicts will get their fix. If I want to use or if I want to drink, I'm going to get it if I have to wring the liquid out of the Sterno and drink it; if I have to resort to mouthwash; if I have to resort to industrial alcohol, I will. Fortunately, that's not a desire of mine today and I'm sitting here proud. And I want to thank the people that's made that possible. But I'm telling you, if an addict wants their fix, you can stop the flow of alcohol that's intended for human consumption, and that doesn't correct the matter that if the addict wants their fix we're going to get it. You cannot stop an addict that wants to use. You will not, no way, no how. Bootleggers will go to nearby Gordon and Rushville. They already do. The further they have to travel the more they're going to exploit my Lakota relatives. They will do more to exploit them. They'll demand more money, they'll demand sexual favors, they already are. Alcohol is the only drug that people die detoxing from. Only closing the stores will likely cause the suicide rates to skyrocket. If you take away the medicine of an alcoholic and you give them nothing to replace it, they're either going to find more medicine or they're going to knock themselves off. So I think that unintentionally we're looking at another potential route of genocide here; and this may be not a popular opinion to share. The solution that I would like to bring to you is based on focusing on the basic tier of Maslow's hierarchy of needs. My solution is to give the alcoholic or addict a way out. As a state, we could request aid from Housing and Urban Development through our federal government. Most people don't know that there are 17 people stacked in houses designed for 3 because 90 percent of the homes on the reservation are infected with mold and uninhabitable, have to be burned to the ground. My suggestion is to build a treatment center in cooperation with Valley Hope Association of Norton, Kansas, and utilize the Valley Hope treatment model. I did not ask them for their permission to share their association's name, nor have they asked me to be here. I'm doing this because Valley Hope saved my life and I know that their treatment model is very effective and that they can be culturally competent in dealing with my relatives. Provide them food. Provide them water. The water on the reservation is not palatable or safe for human consumption. It's my understanding that it's contaminated with a natural substance, possibly uranium. And the treatment must be...I learned in treatment that this is what treatment does. And in order to get away from the drugs, I actually had to turn and go another way. And I haven't been able to do that without my family that I'd met through the 12-step program. [LR567]

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SENATOR LARSON: Please continue (inaudible). [LR567]

ELLE HANSEN: Thank you. Did you say, continue? [LR567]

SENATOR LARSON: Yes. Please continue on my time. [LR567]

ELLE HANSEN: Thank you. Strong members of AA and NA present in Whiteclay or from other recovery organizations that have a message of hope and recovery are absolutely necessary in order for anyone to see any type of healing. Closing the stores alone will not heal; it will continue the destruction that has already begun. Any questions? [LR567]

SENATOR LARSON: Thank you, Ms. Hansen. Do I have questions from the committee? I'd like to say thank you for your story. I know it takes a lot to sit up there in front of us and go through your past. I appreciate that and I appreciate your outlook and how it's helped you. I know Valley Hope is actually in my hometown of O'Neill. [LR567]

ELLE HANSEN: I'm a Norton alum, so, yeah. [LR567]

SENATOR LARSON: So I know it's done a lot of good. I appreciate that. And you're always welcome to...I would encourage you to continue to work with...I don't know if you know Senator Pansing Brooks, but continue to work with her as we go through this process if you're open to do that, so. [LR567]

ELLE HANSEN: I'm here and I'm not going anywhere. Thank you very much. [LR567]

SENATOR LARSON: I appreciate that. Thank you. Next. Welcome to the General Affairs Committee. Please say and spell your name. [LR567]

WANBLIWIN RED CLOUD: Thank you. Good afternoon, my name is Wanbliwin Red Cloud, W-a-n-b-l-i-w-i-n R-e-d C-l-o-u-d. I live on the Pine Ridge Indian Reservation and I am here to...on behalf of the children of the reservation. I live with the direct results of alcohol that comes out of Whiteclay. I see the children starving, I see the children that have no food, I see them that

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have no clothes to go to school. I see the parents leaving them, spending their money. I see the men beating the women, I see the children getting beat, raped, molested. I see it all. And you know, and this word that I'm going to say, not a lot of people like to hear it, but it's just straight racism straight out of Nebraska. Racism and greed, I can see it. When I came in this room today and I looked at all of your faces, it was like boredom, indifference, and it almost made me afraid not to talk. But like I said, I'm here for the children. And people can come and say, oh yeah, we need detox, AA, all this, all that, but you got to remember we're Indians, we're not like you guys. Alcohol affects us different than you guys. You people can drink a beer and go home, that's it. Some of us, we drink a beer, we'll drink for the rest of our life. We'll drink our life away. We'll die, we'll die for alcohol. And you know, the services that people are saying they're great. Yeah, people give them water, give them food. Yeah, you're just enabling them. You're just enabling them to stand up there another day and drink. You know, what we need for our people is love. We need love, compassion, respect, and our spirituality, because that's what's going to make them see anything. And a lot of people that stand up there in Whiteclay, they're lost. They're lost. They're lost in that genocidal hole up there. So, you know, I suggest to Nebraska: Please help us. Please help us. If you have children, if you have hearts, help us. Because I'm not concerned about the adults, they can drink their life away, they have their rights. But it's the children. The children, they don't have rights, they don't have a voice. They don't have nothing there, they don't have nobody to fight for them. Their parents are drunk, their grandparents are at the casino. You know, there's...we have all of these issues here and a lot of it does come from Whiteclay. And, you know, that is a genocidal hole and there's just dysfunction, addiction, all this bad stuff spewing out of it. I suggest you guys try to bandage it. Help us, help us heal. Close Whiteclay down and we'll deal with our stuff on our side. You guys deal with your stuff on your side. You guys want to build detox, build all of these things, do it with your money. You guys are all billionaires. Our children, we bury our children. Your children go to college, your children have everything. Our children don't have nothing. I'm sorry, you know, I'm talking out of my heart. I'm not a politician, I'm not led by money or greed. And I would like to say: Nebraska, please stop killing Indians and our children. The time...stop it. Thank you. [LR567]

SENATOR LARSON: Ma'am, ma'am, ma'am. I want to see if we have any questions, I want to make sure that...Senator Riepe. I'm sorry, I...go ahead. [LR567]

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SENATOR RIEPE: Thank you, Chairman. And again, I appreciate your heartfelt emotions about it. I can't identify totally with that, but I admire where you're coming from. The question that I want to go to is you had mentioned casinos. So my question is it's alcohol, casino gambling, I mean, it's not a single issue, is that fair to say? [LR567]

WANBLIWAN RED CLOUD: For us? [LR567]

SENATOR RIEPE: Yes. [LR567]

WANBLIWAN RED CLOUD: We have many issues. [LR567]

SENATOR RIEPE: Okay. [LR567]

WANBLIWAN RED CLOUD: And one of our main issue is Whiteclay, Nebraska. So don't try to push it off on us, okay? Take accountability, take responsibility for your actions because we have people we try to help every day. We're not just sitting there all lazy, all stupid, we have f*****...excuse me. We have corrupt tribal officials there that we have to fight, too, you know? People are heartless, people are greedy. And if you can't identify with my heartfelt testimony, then maybe you don't have a heart. [LR567]

SENATOR RIEPE: Now, that's quite contrary to what I think I said. I appreciated where you're coming from. The other side of this is, is I think that we have to understand the nature of the totality of the problem as we look at things. And the totality is that it goes beyond alcohol, possibly goes to drugs, goes to casinos, goes to...casinos are not a problem? [LR567]

WANBLIWAN RED CLOUD: No, alcohol is the main problem because alcohol isn't part of our people. When we lived here before the settlers came, we didn't have alcohol. They came here and they gave it to us and they used it against us. So it's not part of us. And don't be concerned about what South Dakota has, all our problems over there. We'll take care of it. We just want you to take care of your side. And, yeah, there is a lot of bad things happening over there, but I'm sure it's like that all across the world and America. [LR567]

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SENATOR RIEPE: I thank you for being here. [LR567]

WANBLIWIN RED CLOUD: Any more questions? [LR567]

SENATOR LARSON: Do I have any questions from the committee? Thank you for coming. [LR567]

WANBLIWIN RED CLOUD: Thank you. [LR567]

SENATOR LARSON: Welcome to the General Affairs Committee. [LR567]

MARCEL KILLS ENEMY: Thank you, committee, for allowing me to speak today. My name is Marcel Kills Enemy, M-a-r-c-e-l K-i-l-l-s E-n-e-m-y, Kills Enemy. I reside at 7620 Bayberry Place, here in Lincoln, Nebraska. I am a Lakota Sioux, a member of the Rosebud Tribe. You know, it's always interesting when I get to these type of committees because there's so many different things you can discuss and talk about. You know, there's a lot of different things that have caused the despair and poverty that impacts the reservation up in Pine Ridge. And to answer the question that you guys want to know, there is a lot of different issues. They don't just live in poverty, because poverty indicates that there is a lack of income, a lack of money coming in. They live in absolute poverty, which is the worst type of poverty that you can completely live in because we're talking about a lack of housing, lack of education, lack of the drinking water, a lack of basic human needs. You know, when we talk about life expectancy, Pine Ridge Reservation has the lowest life expectancy in the western hemisphere next to Haiti. Think about that for a second, okay? And so when we talk about the poverty and how it impacts the people, this is systematic oppression of our people over a century of time; 1904, President Roosevelt had declared that the boundary that was supposed to protect the reservations from alcohol sales was no longer needed. And with that, President Roosevelt had signed the executive order striking that from the law. And essentially the reason why he did that was as a punishment to the Indian people. The Sioux Nation was the last of the Indians to submit to the US Government and there was a lot of hatred and disdain towards the Indians due to that. And so this is a continuation of that hatred that we still see today. There is no need to have a Whiteclay, there is no need to have an on average 10,000 cans of beer sales per day, there is no need to completely destroy and

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devastate our people any longer. If you guys haven't paid attention, you can look at any reservation within the United States. We are the poorest people, the most disproportionately affected people in the United States, and that is due to a systematic oppression of our people. You do not need to continue on with these beer sales in Whiteclay to oppress us. We have nothing. If you fear that we're going to become sober and actually become educated and become productive citizens of the United States and you don't want that, then that's a problem. To kind of go into some of the things that we're missing, I just kind of wanted to point out some of the other names that were missing. Of course, as some of the previous testifiers had mentioned, there have been many unsolved murders in Whiteclay, north of the killing fields of Whiteclay. It's real. I have had family members that have been killed in that area. "Wally" Black Elk was one of my relatives: Unsolved murder, FBI investigation; this is going on 18 years, no leads. There never will be, there will never be any solution to that. I've had countless scores of relatives killed, either car crash, abused by their family, murdered dead in the street. Countless, but I'll just mention some of these other names that are known because there are so many unknowns as well. We have Dennis Cross, Llewelyn Long Soldier, Francis Thunderhawk, Rich Big Crow, Thomas Twiss, Martin Young Bull Bear, Don Boudreaux, and many others. Those are ones that are attributed to Whiteclay specifically, along with Ronald Hard Heart and my relative "Wally," and then little John Means, Sherry Wounded Foot, and also her brother as well recently. And if you look, there is no investigations. I'm not surprised that the sheriff didn't come, didn't provide any police presence here today, because they are complicit with the murders that happen in Whiteclay. There is no investigations. I could tell you right now who is responsible for the death of Sherry Wounded Foot, and it doesn't take a sleuth to do that, it just takes simple attention. Pay attention to the facts that are given, that are provided, you have an investigation, find the suspects. [LR567]

SENATOR LARSON: I appreciate it, Mr. Kills Enemy, correct? [LR567]

MARCEL KILLS ENEMY: Kills Enemy, yes. [LR567]

SENATOR LARSON: Thank you. [LR567]

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MARCEL KILLS ENEMY: In closing, I just want to say that apathy is acceptance. Know that by you all being blind to the fact, turning the blind eye, means you are accepting the fact that you are complicit with the destruction and despair of our people. [LR567]

SENATOR LARSON: Thank you, Mr. Kills Enemy. Do I have any questions from the committee? Again, I appreciate you coming. I know, as I said earlier, this Legislature has taken steps, many steps, to...specifically within the four tribes of the state of Nebraska to work for economic development and continue to pursue that in doing what we can on this side of the border. Thank you. Welcome to the General Affairs Committee. Please state your name and spell it. [LR567]

RUDI MITCHELL: (Speaking Omaha language). I'm an elder of the Omaha Indian Nation. My name is Dr. Rudi Mitchell, R-u-d-i M-i-t-c-h-e-l-l. It's customary in my Omaha Indian culture to speak my native language first. I thanked you for letting me be here today. I'm going to be brief. As I said, I'm an elder, I'm a former tribal chairman of the Omaha Nation. I retired from Creighton University three years ago, where I was a professor of Native American studies. In one of my courses I used to talk about alcoholism and I had the largest classes in Native American studies there at Creighton University. On my course in alcoholism, I used to label it "nobody loves a drunken Indian." Ninety-nine percent of my students came from upper-middle class families, they knew very little about Native American issues and problems, so I wanted to expose them to alcoholism today...I mean, to my students at that time. With the Omaha culture, you know, alcoholism was never part of our culture. In doing my research, back in 1819, near Bellevue, where the Omaha Tribe had their headquarters where they lived in the state of Nebraska, a murder was committed there. A drunken Indian had killed another Indian at one of the trading posts there. At that time, the chiefs had said this is becoming a problem for our people. And today, almost 200 years later, it's still a problem today. I sympathize with my brothers and sisters from the Lakota Nation of what they're going through because we have a problem on our Omaha Indian Reservation in northeast Nebraska too. But I ask you as a start to close down Whiteclay, and like I said, the people in...my relatives in South Dakota, they can deal with whatever remedy they can do. But it's important that we start in some way to try and, you know, close those bars down in Whiteclay. Just want to conclude by saying I note next year we're going to be celebrating 150 years of the statehood. As one Native American, I have mixed

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feelings as far as celebrating the statehood. My people gave up millions and millions of acres so people like you can live in the state of Nebraska. And what did we get in return, you know? We're living in poverty today and we have a lot of problems. So consider this as far as when you're celebrating the state of Nebraska that maybe the extra monies you can do is build some treatment centers in northwest Nebraska. I'm a former professional social worker, I'm a former professional mental health professional, I know what problems that our people go through. I've worked over 40 years on the three Indian reservations in northeast Nebraska. Thank you for letting me be here today. [LR567]

SENATOR LARSON: Thank you, Professor. Professor, just a second, let me...do I have questions from the committee? And did you say you were a former chairman of the Omaha Tribe? [LR567]

RUDI MITCHELL: Yes, I am. [LR567]

SENATOR LARSON: Do you still live on... [LR567]

RUDI MITCHELL: No, I live in the city of Omaha now. [LR567]

SENATOR LARSON: I was going to say I think you guys...that they have an election coming up next week. I was going to... [LR567]

RUDI MITCHELL: Yes, they do. Yeah. No, I'm not running. [LR567]

SENATOR LARSON: The general elect...or the primary. [LR567]

RUDI MITCHELL: Primary, yes. [LR567]

SENATOR LARSON: And then the general is ten days later, I think. [LR567]

RUDI MITCHELL: Yes. [LR567]

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SENATOR LARSON: So I was just going to wish...I don't know, wish you good luck in choosing who to vote for. But I realize you're not running anymore. [LR567]

RUDI MITCHELL: No, I can't vote because I live off the reservation. [LR567]

SENATOR LARSON: I know, that's why I asked if you were still on the reservation, because I knew you wouldn't be able to vote if you were off so. But thank you for coming. [LR567]

RUDI MITCHELL: Yeah. Thank you. [LR567]

SENATOR LARSON: Welcome to the General Affairs Committee. [LR567]

IRENE WHITEEYES: My name is Irene Whiteeyes, my last name is W-h-i-t-e-e-y-e-s. [LR567]

SENATOR LARSON: Can you spell your first name as well? [LR567]

IRENE WHITEEYES: Irene, I-r-e-n-e. [LR567]

SENATOR LARSON: Thank you. [LR567]

IRENE WHITEEYES: I'm a member of the Lakota Nation and the Omaha Tribe. My mom, she's Omaha, and my dad, he's Lakota--Oglala. And, you know, I've lived in Lincoln mostly, about eight or ten years, and I've noticed the alcoholism of my people. You know, it's really upsetting to know that, you know, that alcohol is up there. You know, that's my home and when I get ready to go home, I don't want drugs or alcohol there. You know, and I heard about Whiteclay. You know, we need to shut it down to have the respect for the Lakota Nation. You know, we have respect for you, so in return, you know, have respect for us. You know, we want to see our children grow up and to have that education. You know, for me, I was a member of the Lincoln Indian Center board of directors, the secretary. You know, and we stood up with the Native people. You know, and we have the respect for you too, you know, your churches here, everything that you have here. And, you know, I'm a mother, I'm grandmother, I'm a great-grandmother, and it's an honor to be Lakota and, you know, and the Omaha Tribe. You know,

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they're really, really highly spoken of until the alcohol came in. You know, I could say a lot, but I'm, you know, a great-grandmother right now and I would like to see my grandchildren grow up without alcohol running the streets. I see what it does, you know, and how it really messes up a person. You know what alcohol is made out of? It's made out of gas, ether, you know? That's what gives them a hangover. You know, today I live in Lincoln. You know, this is my home. And Whiteclay, that's Lakota land, so please be respectful. [LR567]

SENATOR LARSON: Ma'am, thank you. Just let me see if there's questions. I want to give everybody a chance. Seeing none, thank you for coming in today. Welcome to the General Affairs Committee. How many more testifiers do I have? Okay, thank you. [LR567]

REBECCA WELLS: Hello. My name is Rebecca Wells, that's R-e-b-e-c-c-a, and I'm here to give you a little different perspective of a healthcare provider that's gone up to work at the Pine Ridge Indian Health Service Hospital over the last three years. I live here in Lincoln, Nebraska, I work as a nurse midwife up there. And going up there I've seen all of the damage done from alcohol. There's direct effects, and you've heard a lot of them, and I've seen them. Looking at the patient charts, seeing the list of injuries in their problem list, having patients come in incarcerated, in jumpsuits with their hands shackled together. There's so much, though collateral damage, that is occurring to those that aren't doing the drinking. And this is women and children, and that's kind of the thing that's affected me maybe the most. Sexual assault is rampant. One example that I could give you in my clinic is I would have mothers bring their young daughters in, as soon as they would hit puberty sometimes, requesting long-term birth control implants. And these are on young girls that weren't even sexually active. And that's because sexual assault is so rampant that I think they're terrified that their daughters are going to get sexually assaulted and end up pregnant. The rate is very high of sexual assault in children up there, and they feel that is tied to the really high rate of suicide. And particularly last year it was concerning, there was an epidemic of suicide, particularly in young women. And this is all alcohol-related. Nebraska has laws...oh, and of course pregnant women drinking, that's my area, and I saw it occurring. And one thing that you need to realize, it's not just full fetal alcohol syndrome, it's fetal alcohol spectrum effects. Ninety percent are unseen and undiagnosed because they're affecting their brain and their cognitive function. We have laws in place, I've looked at them. They're not being upheld. I've driven through Whiteclay and I can see them myself. I think these

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people deserve some special protection. They're genetically vulnerable to alcoholism. I think a high number of the adults have fetal alcohol spectrum effects. I saw it, they weren't showing up for clinic appointments, they weren't picking up their prescriptions, they have trouble with executive function, brain damage that's occurring because of alcohol use. They're on a reservation, they can't change where the reservation is, and they're forced to be right there. AA says stay away from where they're serving alcohol, they don't have a choice to change where they live. And I asked one of my patients, in a jumpsuit, from the jail, that I was seeing, that had an alcohol problem, that was there for that, I said, what do you think about shutting down Whiteclay? She looked at me and here were her words: That would be a lifesaver. It haunted me. I'll tell you what, Nebraska has a moral obligation to the people of that reservation to shut down the liquor stores. People say they'll drive to other places, but guess what? A lot of them don't have cars and they're on foot, and it would help a great deal. But we owe them a lot more. We owe them all of the rest of this package because of the ongoing problem and our failure to address it years ago. [LR567]

SENATOR LARSON: Thank you. [LR567]

REBECCA WELLS: Thank you. [LR567]

SENATOR LARSON: Thank you. [LR567]

REBECCA WELLS: Any questions? [LR567]

SENATOR LARSON: Do I have any questions from the committee? Seeing none, thank you for waiting. [LR567]

REBECCA WELLS: Thank you. [LR567]

SENATOR LARSON: Next. Welcome to the General Affairs Committee. Please state and spell your name. [LR567]

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JORGE CASTILLO: Good afternoon, committee members. My name is Jorge Castillo, J-o-r-g-e. I'm the advocacy director... [LR567]

SENATOR LARSON: Last name as well. [LR567]

JORGE CASTILLO: C-a-s-t-i-l-l-o. [LR567]

SENATOR LARSON: Thank you. [LR567]

JORGE CASTILLO: I'm the advocacy director at Alcohol Justice. We're a national agency that monitors big alcohol. We also monitor its public health and public safety effects in society and monitor its political and lobbying power. We're glad Patty Brooks has taken the leadership to bring a solution to the alcohol-related harms in Whiteclay. We started to address the alcohol problems associated with Whiteclay four years ago at the request of Pine Ridge residents. In our analysis, Nebraska law enforcement has ignored the illicit and illegal activities that take place in Whiteclay. This lack of enforcement has made the area unsafe and dangerous. Instead of prosecuting the liquor store owners and the Highland (sic) Plains Budweiser distributor for the illegal and illicit activities that they themselves engage in, such as selling alcohol to minors; selling alcohol to intoxicated individuals; allowing the drinking of alcohol outside the premises; the trading of alcohol for sex; and the exchange of food stamps for alcohol, which is a federal crime, law enforcement has decided to arrest and criminalize peaceful activists like Olowan Thunder Hawk Martinez, who is currently undergoing a trial in Sheridan County, her only crime being that she is asking that the law be applied equally at Whiteclay as it is done in other parts of Nebraska. The consistency by which the Liquor Control Commission has made exceptions over the years and ignored illegal and illicit activity in Whiteclay is very worrisome. I will cite one example for your reference. We have people from Pine Ridge that deal with illegal activity that had taken place at the liquor stores, both criminal and sexual, ready to file complaints to the Liquor Commission. To our surprise, the executive director of the commission, Hobert Rupe, informed us that they could only take complaints from residents of the state of Nebraska, leaving only 12 residents of Whiteclay, including the liquor store owners, as eligible. We ask that the state of Nebraska conduct an investigation into criminal wrongdoing and also ethical violations

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both by the local sheriffs at Sheridan County and also the Liquor Control Commission. We also urge you to close the liquor stores. Thank you. [LR567]

SENATOR LARSON: Thank you, Mr. Castillo. Do I have any questions from the committee? Seeing none, I appreciate you coming. [LR567]

DIANE RIIBE: Good afternoon, Chairman Larson and members of the committee. My name is Diane Riibe, D-i-a-n-e R-i-i-b-e, and I'm the interim executive director of Project Extra Mile. I'd first like to thank Senator Pansing Brooks and her staff for the work they've done. I'd also like to thank what you now know are the countless advocates who are asking for some real change. I also serve as the chair of the US Alcohol Policy Alliance, although I am here in the capacity of the Project Extra Mile. Earlier this year, the president of our board of directors of Project Extra Mile called Whiteclay the very definition of a public health and social justice crisis that warrants immediate action at all levels: local, state, and federal. I'm here today to express our unwavering commitment to the people of Pine Ridge, while urging policymakers to take effective action to protect those families. Based on the scientific literature, we know that there are a myriad of serious harms to individuals, our communities, and the economy that result from excessive alcohol consumption--included are domestic violence, risky sexual behavior, cancer, interpersonal violence, injury, death, fetal alcohol spectrum disorder, various physical and mental health problems, and the list goes on. Unfortunately, the people of Pine Ridge live at ground zero for virtually every one of those known harms. They are at significantly increased risk because of the availability and the affordable prices of alcohol at the four alcohol businesses in Whiteclay. Oftentimes doing what's right is not the same as what's easiest or most convenient. Nevertheless, we're hopeful that this committee there will be members and in the Legislature also members who are willing to lead us out of the tragedy of human suffering for profit's sake. Quality treatment and heightened enforcement are both important, but the gravity of this situation calls for us to do more than look just simply downstream. While there are many potential approaches to dealing with the problem, we should not ignore the simple fact that these alcohol sales are the primary culprit. Prevention becomes imperative and it is our duty. And I would like to just make a differentiation between treatment and prevention. There are a lot of options when we come to the after-effects of the problem we have there, but our job is to prevent them so that we don't have the same kinds of issues moving forward. We have responsibility to the families and the

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children of Pine Ridge, and I would like to state unequivocally that Project Extra Mile is supportive of closing down the sales of alcohol--those four businesses. And we thank you for your consideration of our comments. [LR567]

SENATOR LARSON: Thank you, Ms. Riibe. Do I have questions from the committee? I have one. You are here today in the capacity of Project Extra Mile, lobbying. [LR567]

DIANE RIIBE: No, I'm not. [LR567]

SENATOR LARSON: You're not lobbying. [LR567]

DIANE RIIBE: No, I'm not, sir. Unless there's a specific proposal in front of us. Okay, I wanted to make sure there was not... [LR567]

SENATOR LARSON: Okay. Well, the resolution is specific for us to deal on. I just wanted for the record that you are here on behalf of Project Extra Mile speaking to the Legislature in that capacity. As it... [LR567]

DIANE RIIBE: I am, Senator. But I do want to clarify and I want to make sure, since Senator Pansing Brooks is here, there is not a specific proposal in front of us. Is that correct? [LR567]

SENATOR LARSON: Are you a registered lobbyist in the state of Nebraska? [LR567]

DIANE RIIBE: I certainly am. [LR567]

SENATOR LARSON: Okay. [LR567]

DIANE RIIBE: But I believe I can still come before you, whether I'm registered or not. [LR567]

SENATOR LARSON: I just wanted to make sure that you were here on behalf of Project Extra Mile and a registered lobbyist. Thank you. [LR567]

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DIANE RIIBE: Absolutely. That's what I stated ahead of time. [LR567]

SENATOR LARSON: Thank you. [LR567]

DIANE RIIBE: Yep. [LR567]

SENATOR LARSON: I don't think I have any other questions. Welcome to the General Affairs Committee. [LR567]

RENEE SANS SOUCI: Good afternoon. (Speaking Omaha language). All my relations: My Omaha name is Sacred Horse Woman, my English name is Renee Sans Souci, R-e-n-e-e S-a-n-s S-o-u-c-i, and I'm an Omaha woman, a member of the Omaha Tribe of Nebraska. Thank you today, Senators, for hearing this hearing today on the issue of Whiteclay. I come here today as a member of the Omaha Tribe and I would like to acknowledge my Omaha elders who are here today. Wiblaha for coming. I'd like to acknowledge my elders from the Ho-Chunk Nation. Wiblaha for coming, (Omaha language). And I would like to acknowledge my Lakota elders who are here today. (Speaking Lakota language) for being here. I'm a language educator, I serve on the board of the Nebraskans for Peace. I'm especially here as a mother of four beautiful children who are enrolled members of the Oglala Sioux Tribe. I graduated from the esteemed University of Nebraska-Lincoln with a degree in education. Over the years, I have received training in prevention programs such as MADD, Mothers Against Drunk Driving's Protecting You/Protecting Me program, which is an alcohol prevention program and is all about protecting the human brain from alcohol. I have served as a trainer for the Native American Parenting Traditions Revisited, a program for parent caregivers of children with FASD. Senators, you have been listening to previous testimonies of tribal leaders who were invited here today. Thank you. Thank you, for listening to them. I wish to press upon each one of you how important that you not only open your ears to reason, but that you also open your hearts to understanding to the reality of Whiteclay. One point I wish to make today is about healing. Our parents and families, our tribes, once maintained a way of teaching beautiful values to our children. These values helped our children to become healthy and resilient adults. Due to the infiltration of alcohol into our tribal communities, our beautiful teachings have been disrupted. Our parenting values have been disrupted. At present, Whiteclay is at the heart of this disruption. I have heard your

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inquiries about solutions to this ongoing disruption. Please consider this, a people who have been stripped of hope have also been stripped of honor. The restoration of honor is the first step in healing. Help us. Help us in this restoration of honor. The healing of our people comes from the restoration of healthy and resilient teachings, spiritual values. There are many ways to heal, to help our children, to help our women, to help our people to feel safe. Safety is of the utmost concern. This is not happening in Whiteclay. Do you understand that, I ask you? The days of the dirty, ignorant savage stereotypes are over. We are educated, we are vocal, and many of us, if not most of us, are sober. We are here to help our own people, help us in helping our people. This is what I wish to say today in my testimony. Wiblah. Thank you kindly for listening to me. (Speaking Omaha language) all my relations. [LR567]

SENATOR LARSON: Thank you for testifying in front of the General Affairs Committee. Do I have any questions? Seeing none, thank you for the trip. How many left? One, two, three, four, five...I still have six. All right, state your name, spell it first. [LR567]

ANITA ZAKRZEWSKI: My name is Anita Zakrzewski, Z-a-k-r-z-e-w-s-k-i, sorry it's a long name. I moved to Nebraska 22 years ago and first heard of Whiteclay on June 19 of this year. I was beyond shocked, horrified, and appalled after learning of the countless atrocities and injustices that have been occurring for decades now, with nothing ever being done to fix and heal this undeniable and inexcusable crisis that continues to be ignored and swept under the rug. There is absolutely no justification that four beer stores have been allowed to operate in an unincorporated village of 12 people, that is roughly one city block in length, where almost 4 million cans of beer are sold annually and where the closest law enforcement is located 22 miles away. It's incomprehensible and so inherently wrong to me on so many levels that these four beer stores are owned and operated by Caucasian Nebraskans whose main customers and consumers of the massive amount of beer sales flowing out of their Whiteclay beer stores are to our Lakota neighbors who reside in the dry Pine Ridge Reservation in South Dakota that directly borders Whiteclay. I, along with many others, clearly see that Whiteclay exists merely to sell beer and make money. What deeply disturbs me the most is the heartbreaking fact that one in four babies are born with fetal alcohol spectrum disorder in Pine Ridge, well above the national average of less than 2 out of every 1,000 births. That the majority of families in Pine Ridge are affected by alcoholism and the death rate from alcohol-related problems in Pine Ridge is 300 percent higher

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than the remaining US population, I cannot even begin to process any sense of logic around the severe lack of ethics and immorality of this ongoing social injustice that our "Good Life" state allows to continue decade after decade. I applaud Senator Pansing Brooks, along with her staff, for taking the steps in truly caring about this severe ongoing crisis occurring in Whiteclay, for becoming involved, and introducing LR567, and for taking action. Thank you. [LR567]

SENATOR LARSON: Thank you for testifying. Do I have any questions from the committee? Seeing none, thank you for your testimony. [LR567]

ANITA ZAKRZEWSKI: Thank you. [LR567]

SENATOR LARSON: Those that wish to testify, I'm going to ask you to come up and take up the four seats that I have available in the front row and then two seats in that second row. And then I will cap it at that because I told Senator Pansing Brooks that we would stop at 4:00. And I apologize to the committee and those here that we will go a little bit over that. But so I have who's in the...obviously Senator Pansing Brooks has, and the past president, have already testified, so I'll take those four in the front row and then there were two in that second row. I got one and who else was testifying? Just so I have...four left? One, two, three, four. All right, so we'll go with you and then I'll take the next four. And again, nobody else asked to testify, so I'm going to stop it at that. All right? All right, thank you. [LR567]

JOHN MAISCH: Thank you very much, Mr. Chairman. My name is John Maisch, M-a-i-s-c-h. Former resident of Grand Island, Nebraska; before that, Hastings, Nebraska. Have been in Oklahoma since that time. I've been told recently that I may be the most hated white man in Whiteclay because of the work that I've done in Whiteclay. I've been told by friends, Dennis Carlson (phonetic) and Alan Jacobsen , I may be one of the most hated men amongst beer distributors in Nebraska. And last night I discovered I may be one of the most hated men amongst the Oglala Lakota Nation. That's a struggle for me, just because of the fact that as a former liquor prosecutor for the state of Oklahoma, as a former Nebraskan, as a husband, and as a father of a four-year-old, I have to be honest with you, all that I've tried to do in the last three years is to raise awareness about what's happening in Whiteclay. And I'm grateful today, I want to express my thanks to Patty Pansing Brooks. We don't necessarily agree on the timing of how

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everything should take place in Whiteclay, but I appreciate her bringing this group together today. And believe it or not, Chairman Larson, I'm the one, not Frank LaMere, but I'm the one who publicized the fact that you received \$1,500 in contributions in 2014 and then \$11,025 in 2015. It's me, it's not Frank. But I'm grateful for you today, too, for chairing this committee, and I think for doing it in a fair way. And I just wanted to say thank you for that. As a former liquor prosecutor, I just want to make a few comments. In my opinion, there is room for alcohol sales in moderate consumption, not only in this country, but in Nebraska. And so nothing that I've ever purported to do is to suggest prohibition is the right thing for me. But surely that isn't the case and doesn't have to be the case for Pine Ridge. As a sovereign entity, they have decided to be a dry reservation and my biggest concern is that we've undermined that effort to be dry by issuing not one but four liquor licenses 200 yards from the border. I think that...just to be clear, I don't think this is about free market, I think it's about antiexploitation. And so you can still be a pro business legislator and support the closure of the stores. I think you can be fiscally responsible. I'm going to ask that it be admitted into the record, but just so you know, Sheridan County is spending over \$630,000 a year on three expenses, and they're all related to Whiteclay. They're spending \$630,000 on salaries for jailers, for sheriffs, and for prisoner medical expenses. That's more than Dawes County or Cherry County, the two neighboring counties. So it's fiscally responsible not to allow Whiteclay to continue to sell. I would assert it's fiscally responsible to stop the beer sales there, you are drowning...literally drowning the residents of Sheridan County. I would ask with respect to that that this group do a fiscal impact study on the true costs of Whiteclay beer sales. Get to the bottom of that. I think that there are 5,500 residents of Sheridan County I would suggest that would thank you for that. Thank you very much, Mr. Chairman. [LR567]

SENATOR LARSON: Thank you, sir, for testifying. Do I have any questions from the committee? Seeing none, thanks for coming. [LR567]

JOHN MAISCH: Thank you very much, Mr. Chairman. [LR567]

SENATOR LARSON: Welcome to the General Affairs Committee, Ms. Kleeb. [LR567]

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JANE KLEEB: Hello, Senators. My name is Jane Kleeb, and I am the incoming chair of the Nebraska Democratic Party. [LR567]

SENATOR LARSON: Please spell it. [LR567]

JANE KLEEB: K-l-e-e-b. It gets misspelled often. [LR567]

SENATOR LARSON: And Jane. [LR567]

JANE KLEEB: Yep. [LR567]

SENATOR LARSON: And spell that. [LR567]

JANE KLEEB: Oh, Jane? Oh. [LR567]

SENATOR LARSON: For the record. [LR567]

JANE KLEEB: J-a-n-e. [LR567]

SENATOR LARSON: Thank you. [LR567]

JANE KLEEB: So I'm the incoming chair of the Nebraska Democratic Party, I don't formally take that role until December. But we passed, the Nebraska Democratic Party, passed a resolution. I wanted to make sure that this was on the record that the Nebraska Democratic Party opposes the continued sale of beer in Whiteclay. We think that those alcohol sales must be shut down in order to preserve not only the sovereignty, but the health and safety of those families and communities, as well as our law enforcement officials. And then as a citizen, I just wanted to make one statement that it is sometimes difficult to absorb and accept the fact that we as white Nebraskans can have racism in our policies. And the reality is that is happening right now. We cannot allow the continued health risks that we are putting on Native Americans up at Whiteclay. When meth hit our rural communities, our state and federal law enforcement agencies worked together to have an entire system in place not only for the treatment and opening of treatment

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facilities for people who were suffering from meth, but the closing down of meth avenues, of all of the sales along I-80. And so if we can do that to protect white rural Nebraskans, close down the supply of meth, we should be able to do the same for our Native brothers and sisters with the alcohol sales in Whiteclay. [LR567]

SENATOR LARSON: Ms. Kleeb. Do I have any questions from the committee? Just for the record, you are here as a...like on behalf of the Nebraska Democratic Party? [LR567]

JANE KLEEB: I'm the incoming chair, yes. [LR567]

SENATOR LARSON: So you said they passed a resolution. So like, just for our...for the recordkeeping... [LR567]

JANE KLEEB: Just for the record. [LR567]

SENATOR LARSON: You are here on behalf of the Nebraska Democratic Party or you're here yourself? [LR567]

JANE KLEEB: Well, since I formally don't take that role until December, I'd be here as a citizen. [LR567]

SENATOR LARSON: Just as a citizen, okay. [LR567]

JANE KLEEB: Yes. [LR567]

SENATOR LARSON: So for the testifier sheet I wanted to make sure that we were listed (inaudible)... [LR567]

JANE KLEEB: Yep, I put citizen on there. [LR567]

SENATOR LARSON: And again for the record, you said one thing that troubled me a little bit. Do you feel, and maybe it was the manner in which you said it, that the Legislature is racist if we

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don't close down the liquor stores in Whiteclay because we focused on the white issues of meth problems along I-80? [LR567]

JANE KLEEB: I think it displays an inherent inequality, yes. [LR567]

SENATOR LARSON: Okay, thank you. Welcome to the General Affairs Committee. Please state and spell your name. [LR567]

MANAPE LaMERE: My name is Manape LaMere, M-a-n-a-p-e L-a-M-e-r-e. My Indian name translates to Soldier Boy, and I am a treaty Indian of the '51 and the '68 Laramie Treaties. I'm a government representative of those treaties. You know, Whiteclay resides and sits on that treaty land, all right? Now I just want to point out some things, basically I want to clarify that I don't see anybody here from Sheridan County, from the law enforcement. Is there one here? [LR567]

SENATOR LARSON: This gentleman has just raised his hand behind you. [LR567]

MANAPE LaMERE: You know what, this is real late in the conversation for them to be stepping up to this podium. You know? And I know that they went 250 miles north to go pick up an Indian that wants something better for their people, but coming here they drag their feet. And I hope that whatever they have to say it's the concern for the lives that are being lost there and the export of poison to the Pine Ridge Indian Reservation, the Oglala ban. And on that note, I want you to know that we refer to you as poison control because you escort the poison that's being brought into Whiteclay. You protect that, but we're not protecting the citizens that find themselves homeless and destitute within those bounds. And so on that note, I want to remind the state of Nebraska that if it wasn't for the generosity of Indians wanting peace, that you wouldn't have this state. This state is called Ni'bla'ska, flat water. That's an Indian word that you're using, okay? And out of peace I'm asking that we resolve this issue expediently. It's been 18 years since this come up, you know, and enough foot dragging. I hope that I hear from Sheridan County their concerns for the lives of the Indian people, you know? And with a minute left, I just want to offer the state of Nebraska something simple. (Singing in Lakota language). That's for those pipes that we smoked when we signed those treaties. (Speaking Lakota language). [LR567]

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SENATOR LARSON: Mr. LaMere, just a second. Mr. LaMere, just a second, I want to see if I have questions. [LR567]

MANAPE LaMERE: Yeah, go ahead. [LR567]

SENATOR LARSON: Let me see if I have questions from the committee. Seeing none, thank you. I... [LR567]

MANAPE LaMERE: Thank you. [LR567]

SENATOR LARSON: Welcome to the General Affairs Committee. [LR567]

JACK ANDERSEN: Thank you. My name is Jack Andersen, J-a-c-k A-n-d-e-r-s-e-n. I'm testifying today as an individual, though I am currently serving my fourth term as a Sheridan County Commissioner. And I raised my hand a little bit too quick when he said Sheridan County. I didn't wait long enough for him to say law enforcement. I'm not in law enforcement, I'm just a county commissioner. I'm going to try to be real brief and try to answer some things that came up. It was said that there is no treatment within the area. There is in Gordon, there's a detox treatment center that caters to all races, primarily though to the Indian races. And it's funded through Nebraska and United States funding. I'm not really sure how that goes, but there is no county match for the portion that is for Native Americans. One of the problems that we run into with the treatment center is that somebody's decided alcoholism is a disease, and I tend to agree with that, but it's not illegal. We can't force somebody to go to treatment, so build all the treatment centers you want to. If you can't force somebody to go there and can't convince them to go there, it's not going to help much. The second problem is, and our sheriff tells me, is that when he finds somebody that wants to go there, and let's say it's 10:00 at night, the law requires a doctor's certification before they can be admitted. Okay, by the time he either takes them to the emergency room and we spend about \$1,500 of Sheridan County's money or wait until the next day to get a doctor to certify that the person is healthy enough to go through treatment, the person has changed his mind. So that's just part of it. One of the things, too, is that we keep hearing about this town of 11, 12 people that sells all this beer. We have to put that a little bit into context because I believe that Pine Ridge Indian Reservation, the population of the reservation is

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in the 18,000 range. And past-President Brewer, which I think a lot of, at one time said he thought at times there was as many as 40,000 within two miles of Whiteclay. President Brewer also made the comment that day, which was kind of a shock to me, that on the reservation there are no places you can buy a pair of socks. Maybe there needs to be some commerce on the reservation that would help a little bit to relieve the unemployment. I don't know how you do that. The comment was made that the ambulance comes from Pine Ridge. If I was injured and was in Whiteclay, I would a whole lot rather have an ambulance come two miles from Pine Ridge than to wait for the one to come 20 miles out of Rushville. I want to thank Senator Schilz and past-Senator Loudon for passing a bill that I thought was going to give us a lot of help in that...to put a sales tax on county sales that would bring in some law enforcement. However, when I went to the public to try to get something like that done, I saw that they were going to bring the rope to hang me with. It wasn't anybody from Whiteclay that complained, it was the people from the southern end. And I'm sorry, I ran out of time way before I got done talking so. [LR567]

SENATOR LARSON: Well, I understand. Do I have any questions from the committee? Yeah, Senator Hansen. [LR567]

SENATOR HANSEN: Well, first off, if we cut you off of time, is there anything else you'd like to say? [LR567]

JACK ANDERSEN: Well, there was one other thing. The heaviest traveled road in our county is a gravel road that goes from just south of Whiteclay to connect with a gravel road going into Chadron. The majority of our traffic is traffic to Chadron, not to Rushville and Gordon. What they buy there is their business, but I suspect there might be some sales there. The sheriff made a comment one time when they had a dispute in Whiteclay and it was closed down for I think three to five days, something like that. It happened to be during the time of the fur trade in Chadron. The liquor dealers in Chadron had to call Budweiser to get another shipment in because they got wiped out. So closing Whiteclay, I don't know. We really need help with law enforcement. I...we're short of funds, our young people are leaving because there's no jobs. The reservation I think is growing, but there's no jobs there either. I hope there's more questions. [LR567]

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SENATOR HANSEN: Sure. I guess my question, you've touched on this, do you feel like you have the adequate resources to provide law enforcement to Whiteclay? [LR567]

JACK ANDERSEN: No, we absolutely do not. We would welcome any help we can get there. There was a grant here a few years ago to allow some overtime for our people, and I believe that helped. That may have been the year that the State Patrol was called less, I can't say that for a fact. One thing, Senator, is when you look at legislation to relieve some of the problems, we would like to clean the place up. We absolutely would. There's some buildings that we would like to have torn down or removed. There's no tool that we can force their removal. But be very careful that you don't paint that law with a too broad of a brush and cause the farmer and rancher that's got an old rundown shack out in the pasture two miles away from a county road from being caught under the same legislation. [LR567]

SENATOR HANSEN: Okay. So what specifically, aid or resources from the state, as specific as you can be, what could we provide to help? [LR567]

JACK ANDERSEN: I would like to see...that's just if wishes were horses, I would like to see a state officer. There was at one time, it was either a state or a federal officer, stationed at Whiteclay. He said that one of the problems that he had then was that they knew where he was. If he's on the streets, we know he's on the streets; if he's at home, we know he's at home, so they do their own thing. But I think if we could have somebody there, maybe not 24 hours a day, I'm not saying that's necessary, but even like 7 hours a day that...I don't think there are very many laws that are actually getting broken. Yeah, there's occasionally somebody that's drinking on a public right-of-way, but I don't believe it's against the law to drink on private property, as long as that person that owns that property doesn't object. And that's one of the problems we've always run into is we've got some land owned by people up there that for one reason or another don't want to get rid of the buildings, they don't want to enforce, you know, trespassing laws. I don't understand their reasoning, it would seem to me it would be in their better interest to go another route, but I can't force them to do what I think they should do. [LR567]

SENATOR HANSEN: Thank you for your testimony. [LR567]

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SENATOR LARSON: Thank you, Senator Hansen. Senator Schilz. [LR567]

SENATOR SCHILZ: Thank you, Senator Larson. Jack, thanks for coming in today. As I sit here and look at that, and you talk about that community there, being unincorporated then are there nuisance laws or anything that the county could impose or... [LR567]

JACK ANDERSEN: Not to my knowledge. We've looked at...we've got another eyesore just outside of the zoning area of Rushville that people have complained about, and our county attorney says there's nothing we can do. So but if you pass a law that would make it a nuisance, that you had to tear down those buildings, then how do you do it so it only applies to this one and not that one that's...in fact, one that's on my daughter's place that's setting two miles up the road that we would of course then have to tear that one down, and numerous other ones that...I don't know how you target it so that we can hit the area that needs to be hit. [LR567]

SENATOR SCHILZ: Right. Well, and on that side, you know, I know on land around our farm we had a few abandoned buildings, abandoned houses, things like that, and we made it a priority ourselves to tear those down because, as we heard earlier, with meth issues and stuff like that, that's exactly where those folks go. And the sooner you can get rid of those, you want to call them eyesores or whatever, the better off everybody is. So I just didn't know if there was a vehicle that the state had given the counties to be able to look at that so. [LR567]

JACK ANDERSEN: Not to my knowledge. [LR567]

SENATOR SCHILZ: Okay. Thank you very much. [LR567]

SENATOR LARSON: Thank you, Senator Schilz. Any further questions from the committee? Seeing none, thank you for coming. [LR567]

JACK ANDERSEN: Thank you. [LR567]

SENATOR LARSON: And we are on our last testifier today. Thank you all for enduring the hearing. [LR567]

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BILL HAWKINS: Senator Larson, committee members, my name is Bill Hawkins, B-i-l-l H-a-w-k-i-n-s. I'm a lifelong resident of Nebraska and I appreciate your time and effort to sit and listen to these people. As you've heard, we are all one people, and these people come from a very proud nation. It was their land before we took it, before we traded it with treaties, pieces of paper that we tore up and threw away. These people have been disrespected and put on a piece of property that is beautiful but desolate and they are poor, beyond poor. You need to go there to really understand that. You need to walk a mile in their moccasins, as they say. And I really encourage you people to actually do that. We have here in Nebraska I feel an alcohol problem. A few years ago, our Governor signed into law that allows alcohol on our state parks. It has created so much of a problem that I live out by Branched Oak Lake and my beach has been closed because of the alcohol problem. A few years ago, a prime athlete from Wesleyan University was on a party bus out on west 48th Street so wasted, I want to emphasize this man was a prime athlete, a football player. He got so wasted on alcohol that...and this party bus was so responsible that none of his friends, the people on the bus, nobody paid attention to this person, this person wandered out onto the interstate and got run over by a car and a semi. That's what alcohol does to people. It's just not the Native people, it's everybody. We seem to answer to the alcohol. It was brought up from the gentleman from Oklahoma that more than one committee member, not just Senator Larson, takes large donations from the alcohol lobby. I have learned that our lobbyists and special interests control this Legislature more than the people and that is a sad thing. It is a sad thing for Nebraska, this Whiteclay. Here is a simple solution. You can introduce a bill first day of Legislature that forbids unincorporated villages of less than 25 people from having alcohol stores. That stops the alcohol sales immediately. Then you can have an economic stimulus package. You've heard from the chairman that they need 12,000 homes. They live in trailers in ravines. These people need help, they are here pleading for your help. They have been pleading for decades. So I know my time is up and I request that you take action and not just listen and stop the sale of alcohol in Whiteclay. Thank you for your time. [LR567]

SENATOR LARSON: Thank you for testifying. Do I have any questions from the committee? Senator Riepe. [LR567]

SENATOR RIEPE: I have a quick question. On your proposed construction of 12,000 homes, are you talking within the state of Nebraska or are you talking about on the reservation? [LR567]

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BILL HAWKINS: I'm talking about an economic stimulus package for the reservation. [LR567]

SENATOR LARSON: In South Dakota. [LR567]

BILL HAWKINS: If that's what it takes. There are reservations here in Nebraska that could use an economic stimulus package, it isn't just the Pine Ridge. [LR567]

SENATOR LARSON: We have a special committee in the Legislature working on that already which I chair. [LR567]

BILL HAWKINS: Okay. Well, then... [LR567]

SENATOR LARSON: So the housing is actually one of the issues that was introduced in it last year. And we'll continue next year, so I appreciate that. [LR567]

BILL HAWKINS: So I...and I would recommend that you take action then on that issue. It would be... [LR567]

SENATOR LARSON: Well, I hope this Legislature does take action on that, thank you. [LR567]

BILL HAWKINS: Yes, and I would appreciate it. Thank you. [LR567]

SENATOR LARSON: Thank you. [LR567]

SENATOR RIEPE: Thank you. [LR567]

SENATOR LARSON: Senator Pansing Brooks would like to close. Please be brief. [LR567]

SENATOR PANSING BROOKS: Yes, I promise. I mostly want to thank you all for staying here and listening, asking good questions, pertinent questions. I also wanted to just let you know that Senator Lindstrom was unable to be here today but he was with us in spirit and was with us on the trip to Whiteclay a couple weeks ago and sent his support. And I just wanted to answer

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quickly a couple of things. Senator Riepe, you mentioned that won't they just move down the road if we close the stores at some point. And I ask you to look at Rapid City and other places where alcohol is being sold. The reason it is different is because those communities are not unincorporated census areas like Whiteclay is. Without 100 people there, there are no laws, no ordinances, no ability to control anything that's happening there really. So other than the county sheriff, who lives about...or who is stationed 40 miles away in Rushville. So that's one thing is that Rapid City also sells alcohol to the Natives but we don't have these same kinds of major issues because they aren't walking two miles to it and there are laws that cover all of the kinds of infractions that we're hearing about. I would also like to add the commissioner's...I was pleased he came. He said sort of briefly that no laws were being violated. I would say that it's impossible for 3.5 million beers to be sold every year to the 10 to 20 Natives who are lying in an inebriated state on the street so I believe that there has to be bootlegging very clearly coming out of the stores. Again, it's not proven. I don't know which stores, I don't know if it's all of them. But again, 3.5 million beers cannot be sold to the few people who walk every day to Whiteclay. Think of those numbers, please. And the other thing is that one of the things that we're missing today that was going to be discussed by they ran out of time was the two women who came here have many stories about the human trafficking, the sexual abuse, and the continuous assault that's going on in Whiteclay. They have stories, they have people, but again people are scared to come forward because of things like Sherry Wounded Knee...Wounded Foot, excuse me. And so there are violations, there are hideous things going on and I just ask that you...I know that you've all listened and I appreciate that. I admire you for that. Senator Larson, I know that you have done a good job running this committee and appreciate your work in trying to get as many people through this as possible, knowing how many people wanted to speak. And I just thank you all and ask for your energy, your bright minds, and your great hearts to help us solve this disaster that's in Nebraska. When I started this, people have said well, what are you doing to talk to the reservation? I'm not talking to the reservation right now because what we're doing is trying to clean up a terrible mess in Nebraska. We can't control the state of South Dakota, we cannot control the laws of the sovereign nation of Pine Ridge. But what we can do is look at our own laws and look at our own backyard and make a difference, not have people lying in filth and feces, not have babies born in a bath of alcohol, that literally reeks of alcohol when they're born. So I ask for your bright minds, your big hearts, and I ask you to help us try to solve this situation. Thank you very much for your time. [LR567]

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SENATOR LARSON: Thank you, Senator Pansing Brooks. And thank you all for weathering the hearing. And I'm sure, as Senator Pansing Brooks goes through this, she will be in continual contact with my office. So thank you again for attending today's hearing. I'm sorry we went a little longer than I intended, but I'm glad everybody got a chance to speak. Thank you. [LR567]

SENATOR PANSING BROOKS: Thank you. [LR567]