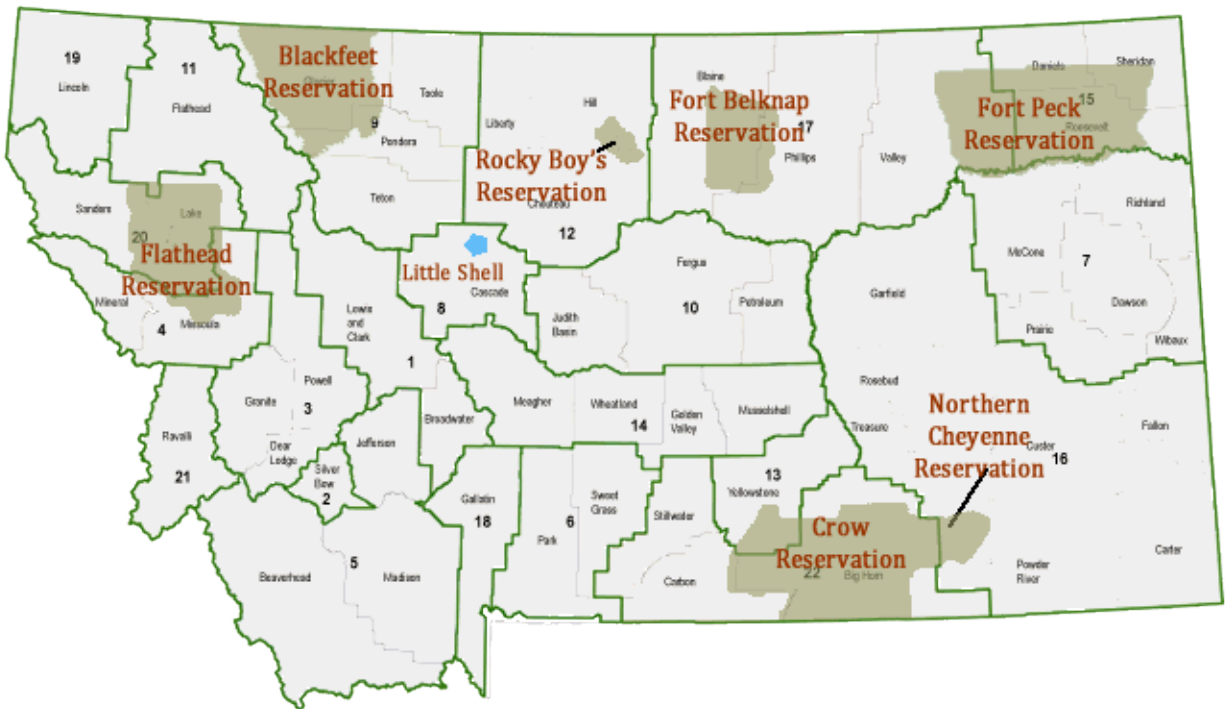


An Assessment of the Legal Needs of Low-Income Native Americans in Montana



Prepared for Montana Legal Services Association

Carmody and Associates
March 2023

Map available at <https://indianlaw.mt.gov/lsl/>.

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EXECUTIVE SUMMARY

Background. Montana is home to seven reservation-based tribal communities, each with their own tribal laws and court system. Montana Legal Services Association (MLSA) provides free legal assistance to low-income Native Americans both in state, tribal, and federal courts. As a non-tribal entity, it is critical for MLSA to gather input from tribal communities to best align MLSA's limited resources to community needs. The goal of this assessment is to identify the most pressing issues facing Native Americans across Montana, and identify steps MLSA can take to better serve Indian Country.

To gather input, MLSA and Carmody and Associates staff conducted phone or video interviews with individuals who have a depth of experience in Indian Country. In total, 57 individuals were interviewed,

The impact of disproportionately high poverty rates, the rural and isolated nature of reservation communities, and generational trauma pervades throughout many interview comments.

50 of whom identified as Native Americans. The interviewee pool included services providers, court personnel, school staff, and individuals serving Native Americans and tribal interests in various capacities. The interviewees serve all seven reservation communities, Billings, Great Falls, Missoula, and Butte.

Areas of Interview. Interviewees were asked open ended questions about the most pressing issues faced by Native Americans across Montana both by specific subject areas, such as Family, Community Development, Housing, etc. and by specific populations, such as Persons with a Criminal Record, Victims of Domestic Violence, etc.

Key Areas of Need. Approximately 50% of interviewees identified **Housing** and **Health** as key areas of need for Native Americans in Montana.

Housing. Within the area of housing, participants reported an overall lack of available housing of all sorts: tribal, private, transitional, safe and sober, temporary shelters, etc. Many participants also identified affordability of housing, access to lending for housing, and housing discrimination by private landlords. Lack of housing options most obviously contributes to homelessness, however participants identified other consequences to the individual, including emotional stress an unemployment, as well as to the community, including difficulty in recruiting professionals for services.

The Covid-19 Pandemic exacerbated the consequences of the housing crisis, namely the life threatening consequences of many people and multiple generations living together in crowded housing. Several steps need to be taken to address the housing crisis for Native Americans across Montana. MLSA needs to increase legal assistance to tenants. Tribal, state, and local governments need to coordinate with the private sector to develop infrastructure and set up sustainable funding for tribal housing programs and initiatives. Many interviewees identified Section 184 loans as a positive step towards alleviating the housing shortages on Montana's reservation communities.

Health. The inadequacy and inaccessibility of existing health care services for Native American’s across Montana has severe ramifications for tribal members and their communities. The primary provider of health care on the reservations is the Indian Health Service, hereafter referred to as IHS. IHS is underfunded and unable to meet the community need for health services.

Indian Health Services (IHS) is a federal agency within the department of Health and Human Services responsible for providing free health care services to tribal members across the country, as part of the federal government’s ongoing trust obligation to Tribes.

Interviewees identified many interrelated issues impacting the health of Native Americans in Montana. Often times Native Americans must travel many hours to different areas of the state to obtain health care. The inaccessibility of health care services means there is very little preventive care or education, mental health care, or addiction treatment available to reservation-based tribal members.

The consequences of the lack of accessible and culturally appropriate health services for Native Americans are great. Native Americans often have far worse health outcomes for the same ailments compared to non-Native populations. The lack of mental health and addiction treatment available impacts familial health, and contributes to high incidences of suicide and child neglect, and can perpetuate the cycle of poverty.

The Interviewees were all asked quantitative questions to rate how common specific legal issues were in different tribal communities, or urban areas. In the area of Health, Interviewees ranked the following areas as “very common” problems in reservation based communities:

Issues with Indian Health Services	Cannot Afford Dental Care
Lack of Dental Care	Lack of Behavioral Health Treatment

Other Areas of High Need. Interviewees identified many other areas of high need including: Access to Justice and Legal Assistance, Domestic Violence and Missing and Murdered Indigenous Women, Poverty, Transfer of Wealth, Lack of Employment and Economic Development, Family, Education, Racial Justice and Discrimination.

Recommendations for MLSA and Organizations

Interviewees were also asked questions about how MLSA specifically could improve services to tribal members, as well as to recruit and retain more Native staff members. This rich information can be utilized throughout the state.

MLSA Services. When asked what MLSA could do better in Indian Country, the majority of interviewees responded that being physically present in the communities more is an area for improvement. Most interviewees who discussed this area for improvement viewed it as ideal to be physically present daily or at least weekly. Other areas that can improve services to tribal communities include: building relationships and trust in the community, assisting courts and services providers with training and document development, translating materials into tribal languages, and advertising services through social media, radio stations, newspapers, and tribal colleges.

Organizational Improvements. Many organizations seek to recruit and retain staff members with diverse experiences, including Native American staff members, in order to provide better services to a diverse client population. Interviewees were asked how MLSA can improve in this area. Twenty Principles to Provide Culturally Appropriate Services are provided below on page 83. Providing culturally appropriate services to Native Americans starts with promoting cultural competency internally. To retain staff members with diverse lived experiences, MLSA needs to be flexible about work location requirements and recognize Native history, culture, and traditions within the context of treating all employees as individuals with unique needs and experiences, and to be generous, consistent, and equitable with employee salaries and benefits.

INTRODUCTION

The primary purpose of this report is to identify pressing issues that Native Americans across Montana face so that Montana Legal Services Association (MLSA) can better determine where its legal assistance is most needed and will have the largest impact.

Native Americans are often lumped into one group when demographic-based research is conducted.

Although this can be problematic with any racial group in the United States, it is particularly troublesome with research involving Native Americans. In addition to having a racial identity, Native Americans are often members of sovereign tribal nations. In Montana, there are twelve sovereign tribal nations. This adds additional layers of identity, culture, and jurisdiction for many Native Americans that vary widely across the tribes, their members, and their reservations. The majority of Native Americans in Montana live off-reservation—often in urban areas—but many often return to the reservation of the tribe of which they are a member and/or on which they grew up.

To acknowledge and honor the different identities, cultures, and experiences of Native Americans and tribal nations, this report endeavors to provide information on both issues that affect a large number of low-income Native Americans across Montana and the specifics of those issues for particular tribes, reservations, or urban areas.

A Crow doctoral student stressed the necessity of using Indigenous research methodologies, *“Indigenous people have strong oral traditions and use them as a way to transfer culture and knowledge. When practicing Indigenous research, it is important to view stories as data, and key to collecting this data is hearing these stories.”*¹ Although this assessment did not hear stories in the traditional way, many of the interviews were conducted as much as possible as conversations to enhance the relationship between the interviewer and interviewee, often facilitating a sharing of information that is more honest and poignant. Sharing much of what was said directly or through paraphrasing in this report is an attempt to honor the individual voices of the interviewees and their respective tribes, as well as to reduce the filtering that a researcher/writer who is non-Native might do to their stories.

While the primary purpose of this report is to provide information about needs, it is important to note that many Native Americans prefer to approach their past, present, and future with a sense of resiliency and resources rather than of need. Although the following quote was specifically about the pandemic, it echoes what some interviewees voiced about their experience, *“We know the resiliency of Native Americans*

¹ Hill, Salena Ann Beaumont, *Education is Your Most Powerful Weapon: Gaining Understanding from Apsáalooke Knowledge*, 2020, <https://scholarworks.umt.edu/etd/11643>.

throughout history who prevailed through generation after generation because of the sheer determination to survive by our ancestors. Those of us who remain are still here because of their strength.”²

Readers of this report who may be looking for information about a specific substantive area are encouraged to read the whole report because many of the issues are interrelated by cause and/or effect.

Deepest appreciation is extended to those who shared their stories, knowledge, and beliefs so that Montana Legal Services Association can better serve low-income Native Americans across Montana.

METHODOLOGY

Pre-Pandemic. When this needs assessment was originally designed by the project’s consultants and the MLSA team, it was envisioned that the primary research data would come from in-person interviews of low-income Native Americans across Montana. These interviews would have been conducted at events such as pow-wows and other gathering places where potential interviewees would have a few minutes to talk with an interviewer.

When the pandemic hit, Native Americans disproportionately fell ill with Covid-19. The tribal nations shut down tighter than nearly anywhere else in the country to protect their members. They knew the devastating effects of prior viruses and epidemics on their members. The shutdowns meant almost all public gatherings were prohibited.

Interviews. The needs assessment was redesigned so that the primary method of gathering data was by telephone interviews of service providers, community leaders, and others who work with or on behalf of low-income Native Americans in Montana. Names of potential interviewees were gathered from staff in MLSA’s Tribal Law Practice Group and from interviewees.

More than 220 individuals were emailed or called, with most contacted a total of three times. The majority did not respond, some specifically declined to be interviewed, and 57 agreed to be interviewed. The response rate was 26%.

Nearly all (50 of 57) of those interviewed are Native American. Their tribal affiliations include one or more of the following tribes:

- Akikara
- Assiniboine
- Blackfeet
- Chippewa-Cree
- Confederated Salish and Kootenai Tribes
- Crow
- Gros Ventre
- Ho-Chunk
- Hunkpapa Lakota
- Lake Superior Chippewa
- Little Shell Tribe of Chippewa
- Lumbee
- Mandan
- Northern Cheyenne
- Oglala Sioux
- Sioux of Fort Peck
- Spirit Lake Dakota Nation
- Turtle Mountain Band of Chippewa

Collectively, the interviewees lived or worked on all seven of the reservations in Montana, in three metro areas (Billings, Great Falls, and Missoula), and in one micro area (Butte-Silver Bow). Nearly one-fourth of

² Levi Rickert, *We Can Do this Indian Country*, Native News Online, January 9, 2022.

the interviewees had experience working with Native Americans across Montana (hereafter referred to throughout this report as Statewide).

The interviewees worked for a variety of organizations, including 25 that provide services, fifteen that have an advocacy and/or policy mission, ten courts, and nine schools. Nineteen worked for government agencies that are neither courts nor schools. Many had rich career histories, giving them extensive knowledge of one or more issues.

Italicized text in the report is a direct quote, a nearly direct quote, or a paraphrasing of interviewees' actual words. They are used as much as possible to center the report on the interviewees' words, without the benefit of recording and using language directly from transcripts.

The interview instrument asked a combination of open-ended and multiple choice questions. To keep the interviews to about an hour, most interviewees were not asked every question. The interviewing goal was to gain as much useful qualitative information as possible, not to generate statistically significant data.

Secondary Research. A variety of data sources, including the U.S. Census, were reviewed to obtain information about Native Americans and the scope of a broad range of issues that may affect them and impact their legal problems. The primary sources are listed in the Sources and Resources in Appendix 2.

NATIVE AMERICAN POPULATIONS IN MONTANA

Reservations and Tribal Nations in Montana

<u>Reservation</u>	<u>Tribes Native Names</u>	<u>Tribes Names in English</u>
Blackfeet	Amskap Pikuni	Blackfeet
Crow	Apsâalooke	Crow
Flathead	Selis, Qlispe, Ksanka	Salish, Pend d'Orielle, Kootenai
Fort Belknap	Aaniih, Nakoda	Gros Ventre, Assiniboine
Fort Peck	Dakota, Nakoda	Sioux, Assiniboine
Northern Cheyenne	Tsetsêhesêstâhase/So'taahe	Northern Cheyenne
Rocky Boy's	Annishinabe, Ne-i-yah-wahk	Chippewa (Ojibwa), Cree
HQ in Great Falls	Anishinaabe	Little Shell Chippewa (Ojibwa)

Montana is home to **twelve tribal nations**. All but one tribe—the Little Shell Chippewa Tribe—has land on **seven reservations**. (See Box above.)

The vast majority of Montanans who identified as American Indian in 2020 are distributed across three racial categories used by the U.S. Census.³

- 67,612 American Indian or Alaska Native⁴
- 29,080 White and American Indian/Alaska Native
- 24,502 White & Some Other Race

³ *Montana's American Indian People FAQ*, Indian Education for All, Montana State University.

⁴ The Census Bureau uses this term to refer to the original people of North and South America (including Central America) who maintain tribal affiliation or community attachment.

The third category, White & Some Other Race, is included here because it may be that a large number of these individuals are part American Indian. The populations of other census categories of White with Asian (6,430), White with Black/African American (4,608), and White with Native Hawaiian/Other Pacific Islander (916) are much smaller than that of White with American Indian/Alaska Native (29,080).

The terms Native American, Native, Indigenous, and American Indian are all generally accepted terms in the Native American community. American Indian is the phrase used in federal law. This report generally uses the term Native American. The interviewees used all of the terms.

It is reasonable to estimate that 100,000–120,000 Montanans identified as Native American in 2020. This was **nine to eleven percent of Montanans**. As Table 1 details, Native Americans in Montana live on the seven reservations, in one of the seven listed Metro and Micro urban areas, or throughout the rest of the state. **Nearly two thirds of the identified Native Americans in Montana (64%) live off-reservation.**

Table 1: Montanans Who Identify as American Indian or Alaska Native*				
Geographic Area	American Indian/Alaska Native only	White & American Indian/Alaska Native	White & Some Other Race	Total
Blackfoot Indian Reservation**	9,058	319	24	9,401
Crow Reservation***	5,283	123	28	5,434
Flathead Reservation	7,673	2,231	464	10,368
Fort Belknap Reservation**	3,142	64	0	3,206
Fort Peck Reservation**	6,596	542	36	7,174
Northern Cheyenne Reservation****	4,042	133	1	4,176
Rocky Boy's**	3,512	23	4	3,539
Billings Metro Area	7,426	4,420	4,888	16,734
Bozeman Micro Area	1,043	2,010	3,648	6,701
Butte-Silver Bow Micro Area	565	850	821	2,236
Great Falls Metro Area	4,004	2,885	1,811	8,700
Helena Micro Area	1,525	2,436	2,014	5,975
Kalispell Micro Area	985	2,679	2,409	6,073
Missoula Metro Area	3,299	2,933	2,844	9,076
Non-Reservation & Non-Metro or Micro Area	9,459	7,432	5,510	22,401
State of Montana	67,612	29,080	24,502	121,194

2020 U.S. Census

*There are very small numbers of Montanans who list their race as American Indian/Alaska Native combined with other non-white races.

**Includes off-reservation trust land in Montana

***Census County Division (CCD) of Big Horn County

****Includes off-reservation trust land in South Dakota

HIGH POVERTY RATES OF NATIVE AMERICANS

The poverty rate of Montanans who identify as American Indians/Alaska Native Only was most recently estimated at 32.2%.⁵ This is almost two and a half times the poverty rate of all Montanans (13.3%) and nearly three times the poverty rate of Montanans who identify as White Only (11.6%). The poverty rates of American Indians are higher than 40% on two of Montana’s reservations (Fort Belknap and Fort Peck), in the Great Falls Metro Area, and in the Butte-Silver Bow Micro Area.

Table 2 shows the vast disparity in poverty rates between white Montanans and American Indians/Alaska Natives, even on the reservations. This disparity persists at both higher and lower levels of poverty.

- **Montanans with incomes of less than 50% of the poverty level:** 4.4% for Whites Only and 12.8% for American Indians/Alaska Natives—nearly three times higher.
- **Montanans with incomes of less than 125% of the poverty level:** 14.9% for Whites Only and 42.3% for American Indians/Alaska Natives—again nearly three times more.

Geographic Area	American Indian / Alaska Native Only	White Only
Blackfeet Indian Reservation*	35.1%	24.4%
Crow Reservation**	32.5%	14.8%
Flathead Reservation	32.8%	15.9%
Fort Belknap Reservation*	43.7%	32.0%
Fort Peck Reservation *	40.6%	14.3%
Northern Cheyenne Reservation ***	27.1%	12.2%
Rocky Boy’s Reservation*	33.7%	57.4% ⁶
Billings Metro Area	19.0%	9.1%
Bozeman Micro Area	36.7%	10.8%
Butte-Silver Bow Micro Area	47.2%	16.0%
Great Falls Metro Area	41.6%	11.4%
Helena Micro Area	16.9%	9.6%
Kalispell Micro Area	20.8%	10.7%
Missoula Metro Area	23.3%	13.8%
State of Montana	32.2%	11.6%

American Community Survey 5 year estimates (2019), U.S. Census

*Includes off-reservation trust land in Montana

**Census County Division (CCD) of Big Horn County

***Incudes off-reservation trust land in South Dakota

⁵ The most recent data about Native Americans who have incomes of less than 100% of the poverty level are from the American Community Survey 5-year estimates (2019), so they do not align exactly with the 2020 census data described in the Native American Population in Montana section of this report. Poverty estimates for the mixed race categories noted in the previous section are not available.

⁶ The 57.4% poverty rate of Whites Only is based on an estimate of just 31 individuals on the Rocky Boy’s Reservation identifying as White Only and having incomes below the poverty level. This has a very high margin of error at +/-29.

IMPACTS OF THE PANDEMIC

The interviews were conducted over the course of thirteen months, from August 2020 through September 2021. These months were some of the most intense of the pandemic for all Americans, but particularly for Native Americans, who were disproportionately impacted by the virus.

Since this is a point-in-time needs assessment, many of the interviewees were asked, **has the pandemic and its effects changed your answers from what you may have answered before the pandemic? If so, how?** This helped determine how the pandemic altered community needs, if at all. Most of the interviewees answered *no*. Regardless of how they answered, many commented that existing issues were exacerbated or intensified by the pandemic.

- ◆ *No. They are the **same issues** as before the pandemic.*
- ◆ *No. **The same issues have just been exacerbated** by the pandemic, it's been difficult trying to offer services while following tribal protocols and Center for Disease Control (CDC) guidelines.*
- ◆ *No. It's made providing services **more challenging, but I would have answered similarly.***
- ◆ *No. These issues are **not something new, the pandemic has just highlighted them.***
- ◆ *No. The pandemic has just made existing problems **more acute.***
- ◆ *No. These issues have always been prominent, but they have been **exacerbated** by the pandemic.*
- ◆ *No. The same issues have been **exacerbated** by the pandemic.*
- ◆ *No. The pandemic **exacerbated** them. A population that was already under-resourced then had their hours reduced or were laid off. We were pushed over this precipice of high stress and low resources. Our behavioral health patients are more criminally-involved now than they were in the past.*
- ◆ *No. It's just **intensified** them. Isolation is just worse. Unemployment is just worse.*
- ◆ *No. Other than the fact that I haven't been out to see people and how they are being treated. There is an increase in number of children in need if you look at the paper. Is it about people being confined? I don't know.*
- ◆ *No. As far as getting access to health care, the IHS did a pretty good job of getting vaccines out, but so many people died. People are living in close quarters. All the staff had people die. Otherwise, the pandemic didn't really impact my answers. **All it did was delay available resources for a time, but those same issues are still there.***
- ◆ *No. It's **just exposed that the educational issues are an opportunity gap, not an achievement gap.** For example, schools on the reservations do not always have the best teachers. There's a lack of infrastructure for broadband, a lack of mental health supports, and a lack of telehealth.*
- ◆ *No. The same issues are maybe now **more acute** because of the pandemic. People have to go off-reservation for stores because ours don't have essential supplies. Access to housing is still slow. The crime rate has gone down, there was a couple of weeks with no one in arraignments. Some of the curfews reduced crime.*
- ◆ *No. **Except increased waiting times for medical care on the reservation.** We need a call-in type of system to get care so they could call you shortly before they can see you so you don't have to wait in a room with other people. In Billings, the Urban Indian Health clinic has a lot of open appointments. You're able to get a doctor's appointment, but they don't have a pharmacy. People have to go to bigger hospital because have everything—x-rays, pharmacies, etc.*
- ◆ *No. A lot of reservations have issues with **overcrowding in homes, there can be twenty people in a six-person home.** This can **lead to pretty bad situations during the pandemic.** But even before the pandemic there were issues with mold, overcrowding, etc. The lack of access to safe housing*

leads to health issues. Also, individuals in jail during the pandemic may not have been there had they had access to legal representation.

- ♦ **No.** We thought things at the court were going to slow down during the pandemic, but things have not slowed down at all. People are still constantly filing things. We've waived filing fees so people can file electronically, which may have led to an increase in filing.
- ♦ **No.** It hasn't changed but has made the **issues with driver's licenses and access to technology more severe.**
- ♦ The pandemic has **exacerbated mental health issues overall** for the community. Everyone is completely drained, energy levels are down, and it impacts everything. People are missing in-person interaction.
- ♦ On Fort Belknap, **services improved.** When everything was on lockdown, we delivered groceries and meals. Fort Belknap sent out one stimulus check. Rocky Boy's sent \$1000 twice to everybody over eighteen. The communities really locked down, tested everyone, and handled it quite well.
- ♦ **No.** The pandemic has taught us both good things and bad things. It has **made some families stronger.** Because of the long distances, virtual meetings are now used as a tool in a positive way. We are creating solutions. People are valuing life a little bit more. With so much death, some realize that they need to make a difference while they're alive. Spiritual changes have been created. Individuals are **getting closer to non-Indians because we're dependent on each other.** Covid-19 varies across reservations. It still crops up. From a social perspective, it's very difficult to keep families apart, so it spreads.
- ♦ **Yes and no.** Covid-19 has **amplified so many issues.** We will see **increasing educational disparities** due to students being educated at home and the lack of access to internet. I don't think my answer would change but some of the aspects of the issues have changed.
- ♦ **Yes. The pandemic has exacerbated** existing issues.
- ♦ **Yes.** The pandemic has **made these existing problems greater.** Those who are behind are now much further behind. The pandemic has hit Native communities harder than others. Tourists are bringing the pandemic, and Native Americans are hit the hardest.
- ♦ **Yes.** Western Native Voice does an annual survey. Prior to 2020, **the top three priorities of the tribes** were (in order): tribal sovereignty, environment, and health. **In 2021, health care is number one,** education is number two, and voting rights is number three. (Question: Why do you think Education is number two?) First it was access because not everyone had internet, then it was getting devices to students, and then it became a challenge getting kids to log on. Schools did cut back from having students on the computer eight hours a day.
- ♦ **Yes.** It has changed because there's not a lot of direct face-to-face contact anymore. **People are quarantined with their abusers,** so services are requested less. It is really quiet right now for victim services providers.
- ♦ **Yes.** Some of the **infrastructure needs have really come to the forefront.** For example, the Tribe used some of its CARES Act funding to buy new garbage trucks that pick up the garbage cans. The roads were so bad that some of the ambulances would have trouble getting to people with Covid-19, so they used some of the CARES Act money to patch potholes.
- ♦ **Yes.** People **aren't able to access the Court.** We don't have our front door open. People like to be able to come in person to ask questions. Even when there are instructions, they feel better being able to speak to someone in person, even over the phone.
- ♦ **Yes.** The Tribe received Covid-19 money and was brainstorming how to spend it to help the most people. They decided to give everyone \$650. When that money went out, we had an **increase in violent crimes and DUIs** in the court. This was supposed to be a benefit from loss of income, but people didn't use it wisely. That goes back to community members' respective education and poverty levels. **There's been a huge increase in drug activity.** The Housing Authority wants to kick everyone out who can't pay rent when their hours were reduced at work. Our Tribe hasn't put anything out to help people with that issue. **There were a lot of evictions** filed between April and June.

- ♦ Due to the pandemic, *about 75% of court hearings are virtual*. If the individual doesn't have access to internet or a computer, they can come to court and are given an iPad to use in their car in the parking lot.

MOST PRESSING ISSUES

All interviewees were asked a broad, open-ended question that, along with follow-up questions, resulted in some of the richest data. The question was, **what do you see as the three most pressing issues facing low-income Native Americans (on the reservation they lived and/or worked on, or the urban area they worked in, or in Montana)?**

The intent of the question was to obtain information about the issues low-income Native Americans face generally, not just issues they believe to be legal problems. **The three areas identified collectively as the most pressing issues were “Housing,” “Health,” and “Civil, Criminal, and Juvenile Justice Access and Attainment.”** These three areas of issues are described in detail below. The other “most pressing issues” identified by more than one or a few interviewees are described in the following section.

Comments from answers to other questions are included here to provide more consolidated information about the issues in this area of the report. This includes answers to the question, **what do you see as the most pressing issue for (a specific population)?** The populations asked about included the following:

Children/Youth	Elders
Persons who are Homeless	Veterans
Persons who are LGBTQ	Victims of Crime
Persons with Mental Health Issues	Victims of Domestic Violence
Persons with Substance Abuse Issues	Workers

Many interviewees were asked to **rate how common certain issues are for Native Americans across Montana**. After rating the issues in a legal area, many elaborated on their rating or other issues they saw within that area. Those comments are also included both in this section and in the next section of the report. The tables breaking down the ratings of how common different issues are, are in Appendix 1. The issue areas interviewees rated and commented on included the following:

Community Development	Housing
Education	Individual Rights
Employment	Public Benefits
Family	Racial Discrimination
Financial	Transportation
Health	Wills & Estates

Historical and Generational Trauma

Historical, generational, and/or cultural trauma was identified as a most pressing issue by some of the interviewees and highlighted by many others. Although it was not in the top three most pressing issues, it is discussed first in this section because it is an underlying cause and effect of many of the other most pressing issues.

The generational trauma of Indigenous people begins with the atrocities of colonization including genocide, forced removal, and attempted extermination. In more recent history, the violence against Indigenous people continued with United States policy focusing on forced assimilation and the boarding school era's removal of tribal children from their families and communities. Children were taken from their parents, stripped of their language, their long hair was cut, and their traditional clothing was removed. In addition to trying to eradicate all semblance of their culture and assimilate them into white culture, boarding schools were rampant with sexual, physical, and emotional abuse. The trauma of the boarding school era specifically is extremely recent trauma, with many contemporary elders enduring the boarding school era themselves.

Trauma was one of the top ten community priorities the Northern Cheyenne Tribe identified in 2018 in their community health assessment. Their report said, *Trauma areas are historical, inter-generational, and ongoing daily trauma. Participants discussed how historical trauma like warfare, boarding school abuse, and confinement to the reservation are relatively recent events. Ongoing trauma includes short life expectancy and frequent loss, unresolved grief, crime, poverty, and the high prevalence of abuse.*

One interviewee explained that she calls it generational or cyclical trauma, rather than historical trauma, because historical make it sound as though the trauma is in the past. *The trauma originated with policies forced on American Indians. It now involves sexual abuse, domestic abuse, and broken family dynamics. These issues are more prevalent on-reservation.*

Other interviewees described trauma differently: *The biggest sources of trauma are physical, mental, emotional, and sexual abuse. I believe in epigenetics. Even at times when individuals should feel happy, like when their first grandchild is born, they still feel sad. They are back when trauma happened, or they have trauma now. Our bodies and minds aren't made to deal with that level of trauma, we don't know how to deal with it.*

There's lots of historical trauma. Those who went to boarding school didn't learn how to parent, so they then put their own needs first. There's lots of substance abuse, child abuse, and sexual abuse.

There's historical trauma, cumulative trauma, childhood trauma, compound trauma. There is such a ripple effect; there's loss upon loss, car accidents, individuals going to prison, etc. Because families and communities can be close, individual loss is also family loss and community loss.

Consequences of Historical and Generational Trauma for Individuals and the Community

♦ *The cycles of abuse and addiction perpetuate from generational and historical trauma. Individuals are born with the outlook that they are less likely to graduate high school, more likely to be incarcerated, more likely to die of health issues, more likely to live in poverty, and more likely to start or continue the cycle of addiction than their non-native peers. There's an over utilization of resources that are under-funded. The trauma continues and the funding level stays the same, so it's difficult to access healing.*

♦ *Living in trauma leads to addiction and a lack of self-regulatory skills or the skills to navigate grieving, relationships, and day-to-day interactions. People don't even realize their skills are being impacted. Sometimes, the skills that serve you well in a trauma situation don't serve you well in situations where there isn't trauma; individuals develop world-incongruent skills.*

♦ *One interviewee described a most pressing issue as self-oppression, and identified trauma as the cause. There are jobs open all the time on the reservation, but people don't want to work. There is free school, but people don't want to go. You're supposed to learn your culture. That's why we're on reservations, but people don't learn about it. We're unhealthy because we turn to drugs and alcohol. There is self-isolation. We don't get up at 8:00 and go to work. We send our kids to school late, if we send them at all. We don't encourage education or self-discipline.*

- ♦ There are high levels of **alcohol and drug addiction**, high rates of **suicide**, a disproportionate number of native **people in prison**, and high level of **health disparities**.
- ♦ **Children are sexually abused in childhood, then become juvenile sex offenders**. It's not addressed. Sometimes the kids just need education. When nothing is done, they **become adult sex offenders**. Sexual abuse may go back to boarding schools, but now it's linked to substance abuse. Violence is rampant.

How to Address Historical and Generational Trauma

♦ We need services so that people can understand their trauma, so they understand why they don't get up for jobs or for school. **We don't have trauma-informed services** that are separate and different from mental health and behavioral health services.

♦ We need **training and resources**.

♦ We need **strong mental health supports in school districts** at the same level as academic supports. Understanding how trauma impacts the brain is helpful for all students, but American Indian students in particular are a part of collective trauma because of their race, so their trauma is compounded. We need to help others understand how trauma and a lack of self-identity plays a role in the achievement gap. Assimilation played a role in students lacking self-identities, now students are floundering and lost. We need to nurture their self-identities through language and culture, then they can achieve.

♦ We **need funding and economic boosts so that our people can have a purpose**. We need the resources, and we don't have them. We need more criminal rehabilitation service, we need increased funding to our Center for Disease Control (CDC), and we need to expand adequate services for our juveniles.

♦ Being aware of traumas provides insight to individuals as to why they may do things they don't want to do. We need to **increase awareness of trauma within communities**, treatment can help, but it's really about increasing awareness.

♦ We need to **capitalize on the resiliency of Native people**. Our people are not giving up, so many people are breaking cycles. Individuals have resiliency because of their communities. It's different than white culture, where people generally aren't a part of collectivist communities that support them. There are good and bad parts to having community; losses affect everyone, but people come to your aid.

Housing

Housing was an area identified by interviewees as a most pressing issue faced by low-income Native Americans across Montana, with nearly half of the interviewees listing housing issues in their top three most pressing issues. The ratings breakdown of how common specific Housing issues are for low-income Native Americans in Montana is in Table 9 in Appendix 1.

Housing Issues

A lack of housing was the issue within the Housing category described most often. A variety of housing is lacking:

- tribal housing
- private housing
- transitional housing for people who get out of prison
- safe and sober housing
- shelters for victims of domestic violence

An interviewee described the housing scarcity and its consequences during the pandemic: *The waiting list to get into tribal housing is in the 100s and it stays that way for years. Multi-generational families live together, it's not uncommon for eighteen people to live in a two-bedroom home. When one person gets sick, they all get sick. Covid-19 can then spread through the houses.*

A Lack of Housing: reservation/tribe/urban specifics

Blackfeet.

- ♦ *There are no housing options. There are a lot of individuals, especially students, that would be capable of living in their own homes, but those homes just aren't available. Most of the housing is through the Tribe, there are very few private landlords.*

- ♦ *There's a lack of housing, including for those with substance abuse issues and victims of domestic violence.*

Crow. *There's not enough available housing, and the housing that is available is inadequate.*

Flathead.

- ♦ *There's a lack of stable housing. It's difficult for people struggling with mental illness, substance abuse, and poverty to obtain and retain their housing. The Housing Authority has a zero-tolerance policy, so many get kicked out.*

- ♦ *Housing for college students has always been a problem, but especially this year with the pandemic. There just isn't enough available housing. There's nothing for the students to rent and with such high demand, rent costs have nearly doubled. Students are left to scramble to figure out their housing situations.*

- ♦ *The lack of housing is a huge problem. There's not enough housing to house everyone. The Salish Kootenai Housing Authority (SKHA) rarely has funding that stretches far enough. The housing they have is all on-reservation, though they give rental-based subsidies for CSKT students off-reservation, for people needing medical care in Kalispell, and emergency rental assistance. Vouchers can be used off-reservation, but tenants can't find places in Missoula and Kalispell. Typically, people end up living with a relative.*

- ♦ *The Salish Kootenai Housing Authority (SKHA) had an adequate inventory of available housing, but then so many people moved back to the reservation during the pandemic. The private market for buying a home has almost doubled. There's a lot of building going on, but not at a price that tribal members can afford. All of the contractors are busy. SKHA planned to build six additional rental units but they may not have enough grant funding anymore because it costs so much more to build now. Federal support for the maintenance of rental units has been the same since 1996, so when the Housing Authority has money to build more units, they have less money to maintain them.*

- ♦ *The Tribe doesn't have the money to supplement the Salish Kootenai Housing Authority's budget. The new infrastructure bill would give them some funding. With some of the CARES money, the Tribe purchased and operated a motel with fourteen units for housing. No tribes in Montana supplement the federal housing money.*

- ♦ *There are hardly any rentals available in the Flathead region because it is becoming such a popular vacation destination.*

- ♦ *Private lots for mobile homes have increased the rent so high that people can't afford them.*

- ♦ *Housing goes fast. With CARES Act funding, the Salish Kootenai Housing Authority planned to purchase twenty manufactured homes, but by the time they could get them, there were only seven left. People from all over the state had purchased the homes.*

Fort Belknap.

- ♦ *There's a huge housing shortage both on and off the reservation and it's expensive to even just apply for housing. There is no housing available on the Fort Belknap reservation. There's one rental*

in Harlem. If you have a criminal background, you've been incarcerated, have no rental history, or no credit, landlords won't even look at you. You end up having more people in the house that are not on the lease, even though it's illegal, you have to.

♦ *You'll see more trailer homes on the reservation than stick built homes because people can't obtain a mortgage to build.*

Fort Belknap/Fort Peck/Rocky Boy's. *Fifteen to nineteen family members live together. There's drug use, violence, and abuse.*

Fort Belknap/Rocky Boy's/Havre.

♦ *The lack of housing is an issue on and off the reservations. A lot of families have multiple families living under one roof. Evictions off the reservation are an issue. Many Natives live in their vehicles in the summer and then come to the Human Resources Development Council (HRDC) in the fall to try to get into a shelter or Section 8 housing. The wait for a Section 8 voucher is two years. There's a shortage of available rentals both because of a lack of housing and landlords not wanting to accept Section 8 vouchers. People with a Section 8 voucher have 30 days to find a place and if they don't, they lose their voucher and are placed at the end of the waiting list. The domestic violence shelter usually can only house thirteen people, but with Covid-19, they could only house one family at a time, the others were housed in hotels.*

♦ *Persons with a criminal record are unable to obtain housing and employment. No one wants them around, so many are homeless. This can affect child custody issues.*

♦ *Off-reservation, it's difficult to get people into subsidized housing because they don't have money to pay the deposit, they only have Temporary Assistance for Needy Families (TANF). There are only two public housing complexes in Havre and one in Chinook. The managers of these shelters are Native American, so they don't discriminate. Individuals need birth certificates and Social Security numbers to access the shelters, and those things can be hard for people to obtain. The wait for Section 8 housing is two to three years.*

Fort Peck.

♦ *There's a large housing shortage.*

♦ *There aren't a lot of housing options available.*

♦ *The Fort Peck Housing Authority is unforgiving of individuals' previous actions and lifestyles.*

If an individual had a substance abuse issue or violated the Housing Authority's policies at any point in time, the Housing Authority will not provide that individual with housing.

♦ *For housing that is available, people aren't able to meet the requirements to qualify.*

♦ *Drugs are a big problem. If someone kicked out of tribal housing for drug use, they aren't allowed to apply again. Even if they get clean, they don't qualify for a home.*

♦ *It takes a lot of money for the Tribe to renovate existing homes.*

♦ *If a house tests positive for meth, it is boarded up for months. Tribal Housing doesn't take the steps to reopen the house up, so more and more houses are sitting vacant. Currently, up to 50 homes are boarded up until meth cleaning can be done.*

♦ *Banks don't want to touch on-reservation financing because of jurisdictional red tape. People with median incomes with decent credit scores still can't get mortgages.*

♦ *There's tribal housing for low income people. People need an income to apply, I don't know if the tribe counts government benefits or lease money as income. They also have to take two drug tests, one before they apply, and another before they are given the keys to the home. The waiting list is hundreds of people long, and people need to renew their application every 3–6 months.*

♦ *There are two waiting lists for tribal housing that are twenty pages long and they just grow and grow and grow. Have to be a fully enrolled member to be on the first list and the other is for associate members and those who are enrolled members of another tribe.*

Little Shell. *There's not enough affordable housing available across Montana, it's even worse in Western Montana.*

Rocky Boy's.

- ♦ *There's not enough housing.*
- ♦ *We do have limited low-income housing available on the reservation, but a lot of these houses have two or three families living there. People can't move out of overcrowded homes because there aren't enough available homes for purchase or for rent.*
- ♦ *It is very difficult for people to find housing, let alone quality housing. It is also very difficult for people to get repairs done and make improvement to their homes. People have a hard time keeping up with their rent payments.*
- ♦ *There are no mobile home rentals. If you want to get your own trailer and put it on land, you have to get a land assignment.*
- ♦ *There is a lot of abandoned housing on the reservation, and people that are renting homes are not taking care of the properties. The Housing Authority doesn't maintain the housing. To find housing off the reservation, people are employed by hotels. These jobs aren't being reported to the federal government. Part of the pay is that they can live in the hotel, but the pay isn't very good. There are poor working conditions and sometimes they don't get paid; they can't complain because it is not "legitimate" employment, and they are worried that they will lose their housing.*

Butte. *It's a housing crisis. There is a lack of affordable housing and widespread housing instability.*

Great Falls. *There is affordable housing, but tribal members don't have access to it. Even if they are workers who have the money to rent from private landlords, no one will rent to them, and public housing is completely booked.*

Affordability issues were described across Montana. *There's a lack of affordable housing and the inability individuals being able to keep their housing once they obtain it, both on and off the reservations. People are stuck where they are, and are left to wonder how they will pay to get into a place and stay in that place. It's hard for people to take care of their families with no roof over their heads.*

A Statewide interviewee identified the higher poverty rates in Indian Country and the outrageous costs in urban areas as primary causes of the housing affordability issues. A Missoula interviewee noted, *there's a huge need for affordable housing* and went on to describe how students cannot find affordable housing. *When students share housing, they have a hard time getting out of their leases when they lose one of the renters.* This can increase housing costs for remaining students to untenable levels.

One interviewee estimated that up to *90% of people on reservations are under the poverty level and cannot afford to buy a home.*

There is a lack of affordable housing. The unemployment rate on the reservation is high. People are living in poverty and there aren't affordable houses available for them to buy or rent.

Housing discrimination was described as a prominent issue in urban and off-reservation areas. *Tribal members living in border towns, such as Havre, report being discriminated against by landlords. They have Section 8 vouchers, but landlords will make rigorous application requirements, like credit checks. Many tribal members don't have credit. Landlords use things like that to avoid renting to tribal members.*

Who you know factors into whether a landlord rents to you or not. When a native person applies, landlords say things like 'we don't want trouble.' Tribal members don't have resources available to help them understand their housing rights.

Housing Discrimination: reservation/tribe/urban specifics

Flathead.

♦ *There's lots of discrimination in the private market. Landlords often post "no children" on their rental listings.*

♦ *During the Covid-19 shut-downs no hotels, other than those bought by the Tribe, would accept Native applicants in housing off-reservation, perhaps due to real or perceived drug or alcohol abuse issues.*

Fort Belknap. *Discrimination is very common in Harlem, Chinook, and Havre.* Our Interviewee noted that *Harlem is 65% Native, but there is still a lot of racial discrimination in housing.*

Fort Peck. *I've heard people say that they've been discriminated against based on their race. Everything during the housing application process is fine over the phone and electronically but then after in-person meetings, everything goes downhill. This type of discrimination is hard to prove.*

Little Shell. *There's discrimination in rental housing across the state. The Highline area is bad. Cascade County is also bad.*

Great Falls. *The most pressing access to housing issue is racism and discrimination. It's an overarching issue. Once, when my husband and I went to buy a house, the developer told the realtor, "You need to take those people somewhere else."*

Missoula.

♦ *There is definitely race-based discrimination. If an individual sounds white when they call about a rental and then they show up in-person, they're told the rental is not available and are referred to Northeast Missoula, where other Natives live. There is one non-profit complex in particular, run by a private management company, where Native American applicants aren't getting accepted.*

♦ *There's racial discrimination in real estate and mortgage lending. I had to turn in a realtor and they had their license revoked. Especially under the Trump administration, racial discrimination is blatant.*

♦ *I haven't experienced discrimination when looking for housing, but landlords come into the home a lot. They are checking in all the time, and maybe that's because I'm Native.*

Utilities issues described by interviewees detailed the increasing costs of utilities resulting in **increased utility shut-offs** as people aren't making enough money to keep up with the aforementioned rising costs.

Additional, multi-faceted, and interconnected issues of native rental applicants in Great Falls were described by interviewees, and it is reasonable to assume that these issues may pertain to Native Americans moving to other metro areas across the state as well: *Many Native Americans have the goal of moving to an urban area to get a better job or to get a fresh start, but they have trouble securing housing. Some have credit issues, some have no rental history, some have a felony record, some owe back rent on prior rentals, some can't afford first and last month's rent or the damage deposit, and some don't know how to navigate the application process.*

Similarly in **Billings**, when housing is available, there are many factors at play that complicate individuals obtaining housing. *People have to become sober, some don't have Social Security cards, and there are huge stacks of papers to complete to get on housing waiting lists.*

Consequences of the Housing Issues to Individuals or the Community

The consequences of the lack of housing both in general and for specific populations, such as those individuals needing sober housing, are immense and diverse.

*There can be multiple families living in a three bedroom home. That's true for all reservations across Montana. Many people living in **too small or crowded of a dwelling** can **cause a multitude of problems**. **Often, kids in homes don't have their own safe space**. One of my coordinators told me of one kid that lives in a home with multiple people all under the care of the grandmother. The parents come home on weekends and drink and do drugs. The kid tries to hide as much as possible. **Kids** in these environments can often **become disruptive in their communities by**, as an example, engaging in the destruction of property. What is the root cause of this? Inadequate housing is probably a part of it. Childhood education becomes less important because **kids' basic needs are not being met**. (Maslow's Hierarchy). Grandparents often are caring for too many kids to be able to spend a lot of time with some of them. The parents are then taken to court, and the kids are removed from the home.*

Homelessness is one of the biggest consequences of the lack of accessible housing. **One interviewee described her discovery of the federal definition of homelessness and her appreciation for having a home:** *I have a brother who doesn't have his own home. He has lived on my sister's couch for four years. Before I learned the definition of homelessness, I had no idea my brother was "homeless." When I travel, I can't wait to get home, because it calms me, it tethers me, it's my quiet, and I have my dog. It's difficult to think about not having a place to get a good night's sleep, not having a place for mail. These are fundamental things.*

The director of a tribal housing authority described not knowing that a **national homeless count** was conducted until they received a release about VA homelessness from Senator Tester describing the 2020 homeless count. **The national effort leaves out the homeless population living on reservations; no count is done on the reservations.** The director requested technical assistance to conduct a homelessness assessment. They did not get it. They then asked again because there was more money in the American Rescue Plan to address homelessness. Again, the request was denied. There are no statistics or quantifiable data on homelessness on reservations.

Others' comments about the consequence of homelessness:

- ♦ *For an individual, **if they have no home, where can they go?** Where can they eat? Homelessness impacts **emotional stress**, and **impacts their ability to get a job**. These individual consequences accumulate and create community consequences.*
- ♦ *In Missoula, **Native Americans make up a disproportionate number of the homeless**, but more importantly, **access for Native American to shelters is limited**. All homeless services are dry services, so Native Americans with substance use issues can't use the shelters. The homeless encampments are 50% Native American, while the Native American population is 5% of the general population.*
- ♦ *There are **an alarming number of youths who are bouncing between several different homes**.*

Other consequences of the housing issues:

- ♦ ***Recruitment of businesses, doctors, and other professionals is difficult when there's a lack of places available to house them.***
- ♦ ***Lack of stable housing creates barriers to employment**. Individuals might be couch-surfing and **not have a safe place for their kids**.*
- ♦ *There are **multi-generational homes living in cramped quarters**.*

Consequences of Housing Issues: reservation/tribe specifics

Blackfeet.

- ♦ *The biggest issue, especially during the pandemic, was **multi-family and multi-generational homes. It was easier to get sick and also there was more conflict** between family members because there were many people all home in the same spaces all of the time.*
- ♦ *One of the most pressing issues for Children/Youth is **not having their own home and room.***
- ♦ *Overcrowding in houses.*
- ♦ *Children couch surfing.*

Crow.

- ♦ *Multiple families living in one home.*
- ♦ *Homelessness has become an issue in the past ten years.*

Flathead.

- ♦ *If a person can't stabilize themselves in housing, they can't stay sober or access the services they need. They can't comport their behavior to stay out of the justice system.*
- ♦ *There is silent homelessness; people are all living together. Many people didn't lose income during the pandemic, but family members moved home, and they couldn't afford the rent because of the increase in other expenses.*

Fort Belknap.

- ♦ *Homelessness increases depression; it is hard not to have a place to go. You need an address for everything—job, voting.*
- ♦ *Most homeless individuals live with relatives and friends, but they would not think of themselves as homeless.*
- ♦ *Homeless individuals primarily move in with relatives. Some people try to move to Harlem but the market there is also scarce and the houses are junk.*
- ♦ *A most pressing issue for Children/Youth is currently a youth homelessness crisis. Youth are currently couch surfing and it is hard to keep track of them with the school closed due to Covid-19. We are trying to establish transitional housing, but that hasn't happened yet.*
- ♦ *Without housing, how there be economic development?*
- ♦ *There's more mental health issues and alcoholism. There are multiple families living in one unit; there can be up to twenty people living under one roof.*
- ♦ *The Housing Authority has a waiting list of 150 families; the average wait time is four years.*

Fort Belknap/Rocky Boy's/Havre.

- ♦ *Homelessness puts people in position to become victims of domestic violence or sexual assault. Homelessness can often lead to increases in perpetration of crimes.*
- ♦ *Increasing homelessness creates additional strain on existing resources, such as local Human Resource Development Councils, churches, and Salvation Army locations.*

Fort Peck.

- ♦ *Individuals have to move in with their aunties and uncles. In the spring and summer some people will put up tents and live in backyards of family members. When I was teaching in Brockton, I had a teacher from Wolf Point who would bring a kid from Wolf Point to try to get him out of that community. He lived in a camper that didn't have heat. He wasn't really "homeless", but didn't really have a home.*
- ♦ *Multiple families are living in one home. Younger people living with older people creates conflict.*

- ♦ *People have their kids removed from their care due to substance abuse, but can't reunify because they are not on the housing list, and they aware that they aren't on the list.*
- ♦ *Homelessness issues are tied to unemployment, depression, and addiction. There is a new low-income apartment complex, and it has been successful but it's not that big. They are building another one. People get Section 8 but then can't find rental. Nothing available.*
- ♦ *Several people live in very small houses. The Tribe needs people to work on the reservation, including at the corrections facility, but there is no housing. Registered sexual or violent offenders can't live in tribal housing. People live in tents down by the river, in their vehicle by the pow-wow grounds, or go from house to house.*
- ♦ *Ten families live under one roof. With Covid-19, many elders passed away. It was really sad.*
- ♦ *People do not have a lot of money, but still need a place to live. Often, many individuals pool their money to pay first and last month's rent but cannot afford the rent in between, so many evictions are taking place.*

Rocky Boy's.

- ♦ *Homelessness ties to hopelessness.*
- ♦ *Many families are forced to live together in very tight quarters.*

Butte. *There is a lot of homelessness. The longer someone is without stable housing, the worse their health outcomes are impacted. Homelessness makes it much harder for individuals to make and keep medical appointments, and is directly tied to poorer outcomes in diabetes, hypertension, and other chronic conditions.*

Great Falls.

- ♦ *Lack of available and affordable housing results in a very significant homeless population.*
- ♦ *People end up being homeless, couch surfing.*
- ♦ *Homelessness and the lack of stable housing limits children's access to education, and then they fall behind.*

Missoula. *The lack of affordable housing is intricately interwoven with criminal justice issues.*

How to Address Housing Issues

Provide legal assistance to tenants. *People need help with the eviction process and getting their security deposits back.*

Remove zero tolerance policies. *Tribal housing authorities that have zero tolerance for substance use should change their policies. The Department of Housing and Urban Development (HUD) does not require zero tolerance policies.*

Increase federal funding for housing. *The federal housing money that tribes receive never increases and is primarily used for maintaining existing housing. Increased federal money is needed to develop and maintain new housing.*

Update laws and regulations to allow Indian trust land value to be more easily mortgaged. *The ability to build housing is impaired because owners cannot easily use Indian trust land as part of their mortgage negotiations.*

Develop infrastructure needed for housing development. *A partnership is needed between governments and the private sector to create the infrastructure (water, etc.) needed to build housing. The tribes have so many priorities to deal with that it is hard to deal with all of them on their own.*

How to Address Housing Issues: reservation/tribe specifics

Blackfeet. *Tribal Housing needs to focus on completing home builds. I was on the housing list for nine years before I got a home.*

♦ *You can't send someone who is trying to be sober back into the home where people are using. We need to build more housing and address party houses. Authorities need to hold people accountable.*

Crow. *We need apartment complexes built for young couples. We do have some housing for veterans, but it is not enough. There needs to be more housing built.*

Flathead.

♦ *The Tribal Council is working on developing "supportive" housing in response to homelessness. They are working to convert some existing housing to have wrap-around services available on-site, and will admit families with the highest need first. MLSA could be one of the wrap-around services. The Housing Authority may be able to access Housing and Urban Development (HUD) money to build additional supportive housing, but they are hesitant to run it because of their zero tolerance policies.*

♦ *We need to develop a supported services housing program, a program that provides housing and also treatment and education for the families in the housing to address generational trauma and its effects.*

♦ *MLSA has been assisting on some eviction issues. They have offered workshops for renters, done some training with the public defenders for the community. MLSA is the expert on evictions. They collaborate with the public defender's office.*

♦ *Wish MLSA would sue private landlords that discriminate against native renters.*

Fort Belknap.

♦ *There is housing available to rent or buy, but we need access to capital to buy. We need more understanding landlords, a job services program that offers housing, and student housing for the tribal college. Some students live at least an hour away one-way and there is limited bus service.*

♦ *Fort Belknap needs more housing development. We need to seek government funding to build housing and try to stimulate housing development by the private sector.*

♦ *The Department of Housing and Urban Development (HUD) 184 loan is a specific loan that Native Americans are eligible for, but limited banks offer HUD 184 loans. Bankers need training on HUD 184 loans, and they aren't currently getting it.*

♦ *The Tribal Housing Authority manages 300 units for low income members. There's a new MOU with the Tribe's economic development arm to address over income folks. 300 more units are needed.*

♦ *We need updated rules on the foreclosure process through the Court.*

Fort Belknap/Rocky Boy's/Havre. *Tribes should invest in building more low-income housing. We need to change the stereotype that Section 8 renters will trash homes so landlords are more willing to accept Section 8 vouchers. We need to develop and incentivize a course for low-income folks on how to be a good renter, so they know their rights and responsibilities.*

♦ *Survivors of domestic violence or sexual assault live with relatives or in subsidized units. We need a homeless shelter, we currently only have a DV shelter. All females have a history of domestic*

violence, so they can usually only access the shelter for 30 days. Only alternative is Great Falls and Billings. Salvation Army helps with a night or two in a hotel.

Fort Peck.

♦ *One thing I think would be helpful on our reservation is assistant with criminal record expungement. Some **grandparents used to be wild when they were younger** and have since cleaned up their act, but they still **can't get foster care licenses**. **People would benefit from having a safe houses available and halfway house where they can re-learn important life skills**. Many people don't have the skills to maintain their homes.*

♦ ***We need to attract businesses, entrepreneurs, and people who want to come to our communities and build**. It's hard to attract the private sector to come to this area. The Tribe is always putting in for grants to get money to build housing, but cannot build them fast enough to meet the need.*

♦ ***We need more building of affordable units. I would like to see people starting to buy houses.***

♦ ***We need increased development of assisted living facilities** and the Housing Authority keeping the houses in good shape.*

♦ ***The Housing Authority needs more accountability**. They have a massive budget, but nothing is getting built. It took me three and a half years to find a house to rent in Poplar. Before that I had to live in Wolf Point, which is 22 miles away.*

♦ ***We need increased education and access to legal resources so that tribes can access resources and protect their interests in housing matters while reinforcing tribal sovereignty in relation to federal statues and requirements.***

♦ ***I had an elder come to class one time when I was on the Council, and he said we should have a boarding school. I said no way, that's what the problem is (the legacy of boarding schools). But he said look at it this way, they would have a bed and three meals a day. Housing does have counselors that visit homes but it's a hard job and an entry level position. It can be a risk to their safety if people are doing meth.***

Little Shell.

♦ ***We need to build affordable housing**. The Tribe needs to have some housing available for its members.*

♦ ***Individuals need access to education about their housing rights.***

Rocky Boy's.

♦ ***We need to address corruption** and hold the people in charge accountable.*

♦ ***We need more money for more housing construction, a trailer court where people can rent a space to park their trailer, and apartment buildings so young adults can move out of their childhood homes and survivors of domestic violence have a place to leave to.***

♦ ***We need money and resources to build.***

Billings. *Service providers are working on "under one roof" services so people don't have to find rides to several locations to access resources. State and tribal governments, as well as local churches are involved in figuring out how to make this work.*

Butte. *There **should be Housing and Urban Development (HUD) vouchers set-aside for Native Americans**. HUD already sets aside vouchers for veterans, the chronically homeless, and families over a certain size. We need to **work with the Montana Medicaid program to get their federal reimbursement increased to 100%**, which would save Montana's current share of 35%. Montana could use that "saved" money to support housing.*

Great Falls.

- ♦ *We need access to advocacy and education support services so people know what their rights are in their languages.*

Availability of Housing Community Resources

Interviewees were asked to identify the resources in their community that people use to help with housing issues.

Blackfeet. *There are no existing community resources. You can call housing to ask for an emergency house. One time I called for a DV victim when I was at MLSA, and they said no. We've discussed having halfway housing or safe housing for DV victims that would be secure, but that doesn't exist currently.*

Flathead. *The Public Defender's office provides holistic defense. One of the primary concepts of holistic Defense is dealing with the collateral consequences of being accused or convicted. People may lose their housing and then it's a cycle they can't get out of.*

Crow. *We have the Crow Tribal Housing Authority but it's not enough. There are currently no homeless shelters in operation. There used to be a homeless shelter, but that is no longer operational and hasn't been for a long time.*

Flathead. *The college has dorms and family housing, but not nearly enough. The Salish Kootenai Housing Authority (SKHA) and the Tribe both have trailer lots. There are plenty of open lots, and the Housing Authority would like to build on those lands. SKHA changed the formula for rental housing to count extra expenses to keep them eligible. The SKHA started providing Emergency Assistance when Covid-19 hit.*

Fort Peck. *There's only Section 8 housing, but there aren't many options, and the requirements are so strict that many people aren't eligible. Wells Fargo is one of the only banks that will give mortgages to Natives on-reservation.*

Rocky Boy's. *Rocky Boy's has a housing authority, but they are a part of the lack of quality housing. There's a Human Resource Development Council in Havre.*

Great Falls. *The Great Falls Rescue Mission helps those they can, but they are completely booked. The Indian Family Health Clinic has a Care Coordinator who advocates for patients when they cannot get an apartment. We let the landlords know that The Indian Family Health Clinic (IFHC) knows the law. There was a rash of evictions right after Covid-19; it was just the American Indian tenants getting evicted. The IFHC was successful in them in their housing. The Montana United Indian Association tries to help individuals. They refer clients to landlords willing to rent to them without a credit history, etc. They help them with financial literacy education, but many aren't making enough to live on. The Montana United Indian Alliance also makes referrals to the Great Falls Rescue Mission.*

Further Explanation of Housing Needs and Resources

A major barrier to developing housing on reservations has been that much of the land is held in trust by the federal government. The Hearth Act, passed in 2012, gives tribes control over the leasing of trust lands if they develop leasing regulations and have them approved by the Bureau of Indian Affairs. So far, 62 tribes have had their regulations approved. Only one of the tribes in Montana has approved leasing

regulations—the Fort Belknap Indian Community.⁷ This assessment did not check whether other tribes have developed regulations that are in the approval process. Having tribal authority could shorten and simplify the leasing approval process.

Another barrier is finding the financing for housing development. The Department of Housing and Urban Development (HUD) Section 184 program guarantees mortgages for homes on trust land with a homesite lease approved by the BIA and Tribe, if necessary. Two banks based in Montana (Polson and Billings) provide the loans, and many banks based in other states provide them in all states. Individuals, tribes, and banks need more information about the program.

Federal funds for housing for Native Americans have increased recently through the allocation of **twenty million dollars in the American Rescue Plan for Montana tribes to use for affordable housing development.**⁸

Health

Health was identified as a category of most pressing issues faced by low-income Native Americans in Montana by nearly half of the interviewees. Health issues affect those living both on and off the reservations. The ratings of how common specific Health issues are for low-income Native Americans in Montana are in Table 8 in Appendix 1.

Health Issues

Lack of services and lack of access to existing services are enormous issues. Primary care on Montana’s reservations is primarily provided by the Indian Health Service (IHS). Interviewees noted the lack of preventative services and preventative care education. *People have Medicaid, but have problems accessing health care.* Access to IHS services is a long-time issue. For example, a few interviewees described how challenging it was to see a dentist at Blackfeet, especially during the pandemic.

Access is truly an issue. You have to get in line really early and stand in line outside when it can be twenty below. They come out and announce that they only have six open slots, and tell the rest to go home. It’s also hard to travel somewhere else for services.

So many health problems are tied to teeth. On reservations, you go at 6:30 in the morning to stand in line, and still can’t get in. There aren’t enough providers, so you have to go other places for root canals. Often, the dentist will pull our teeth instead of offering caps or implants, etc. By the time you’re an adult and purchase dental insurance, your teeth are already in bad shape. Hardly anyone accepts Medicaid, and those that do are booked out for months.

⁷ Fort Belknap Indian Community Residential Leasing Act, <https://www.indianaffairs.gov/sites/bia.gov/files/assets/bia/HEARTH%20Act%20Approval%20of%20Fort%20Belknap%20Indian%20Community%20Leasing%20Code.pdf>

⁸ Montana tribes to get \$20 million for affordable housing in America Rescue Plan, Great Falls Tribune, March 22, 2021, <https://www.greatfallstribune.com/story/news/2021/03/22/montana-tribes-funding-affordable-housing-america-rescue-plan-biden/6956115002/>

Lack of Services and Access to Existing Services: reservation/tribe/urban specifics

Flathead. *One of the most pressing issues is the **lack of access to mental health and chemical dependency treatment**. The primary providers are Tribal Health and Tribal Behavioral Health. For a while during the pandemic, they only accepted court-ordered patients.*

Fort Belknap.

♦ *One of the most pressing issues for Seniors is the **inaccessibility of health care**. They have to travel all over the state for services when they have pre-existing issues that can't be handled at Fort Belknap. There is an IHS facility at Fort Belknap but they often don't have the capacity to meet the need.*

♦ *One of the most pressing issues for Seniors is the **lack of assisted living facilities and retirement homes**. People have to go to Chinook, Havre, or Malta. A majority of patients in those units are Native Americans.*

Fort Peck.

♦ *Dental care is a huge problem. People don't prioritize preventative care; individuals are indoctrinated to not go to the dentist for regular preventative care.*

♦ *One of the most pressing issues for Veterans is the **distance traveled necessary to get an MRI**. I've been waiting five years to get my elbow fixed. It's very hard to be seen by a Veterans Affairs clinic when you live in a rural area. I used to have to travel to Miles City, which is two and a half hours driving one way. When I went for a yearly consultation, they would usually reimburse me for travel. I went March 4, and I still haven't gotten reimbursement (six weeks later). They hired a doctor in Glasgow to provide some coverage. Sometimes I have to go to Billings, Helena, or Sheridan, Wyoming. **The access to treatment centers for veterans who need medication can be an issue. When someone is hooked on pills they have a very minimal chance of accessing treatment.***

Little Shell. *It's difficult to access care. We've never had a reservation. **Little Shell Tribal Health has a service area of four counties: Blaine, Cascade, Glacier, and Hill**. It's a big area, **about the size of Maryland**. Transportation is a problem; people don't have the twenty dollars for gas to travel to service providers. They don't know how to navigate the system.*

Rocky Boy's.

♦ *There's a lack of access to mental health services and physical health care.*

♦ *We have a facility with fourteen chairs, but we **haven't even had a dentist for over a year**.*

♦ *We **don't have a nursing home**. Seniors have to go to Havre or Big Sandy, or live at home by themselves.*

♦ *We did a community health assessment, and nothing changed in the three years since. **There's not enough outreach for the services that we do have**. For example, our clinic provides transportation for those without rides.*

Butte.

♦ *We need to increase the utilization of and access to primary health care. **The no-show rate of patients is extremely high**. The North American Indian Alliance will schedule five appointments per day, and only one or two will come. Then they call the next day and ask to be seen. Other Urban Indian Centers report this too. It's worse during the pandemic. **Not sure it's cultural, a lot is an artifact of being low-income and vulnerable**.*

♦ *There's a long history of **uninsured people or people with Medicaid not being able to access dental care**. Dentists take very few uninsured patients or patients with Medicaid. They have not done their share of assisting. The IHS does not fully or properly fund dental care in urban clinics or on reservations. Less than one percent of urban health funding goes to dental. Bad teeth directly impact*

health outcomes. Montana's Medicaid does provide dental coverage for adults, but only for very limited services. For example, root canals aren't covered.

Great Falls.

- ♦ *Home care for elders is almost non-existent.*
- ♦ *Medicaid is a double-edged sword. People think all American Indians receive Medicaid, that's a myth. Only 40% of American Indians are eligible for Medicaid, the remaining are either not eligible or not able to afford private insurance. People become over-extended with health care bills and their credit gets trashed.*

Missoula. *All Nations Health Center was going to start providing dental care but hasn't yet because of the pandemic.*

The lack of services to address widespread substance use and mental health issues is a particularly acute issue. The co-occurrence of substance use and mental health issues were described by several interviewees. Both can cause the other, with many people using substances to deal with domestic violence, sexual assault, and mental health issues.

People aren't able to break the substance abuse chain, they need good treatment programs. People go to jail over different substance abuse issues, and the effects snowball. They can't keep up with their fines, and they get into deeper trouble. It shouldn't be that way, access to quality treatment programs could help the next generation not be that way.

Very few tribes have culturally appropriate treatment programs on reservations. Individuals have to leave the reservation to go to programs that are not culturally appropriate. The best time for people to make changes is when they say they want to. Because the wait lists are so long, there are a lot of missed opportunities for intervention, especially for youth. Those who don't understand the culture misidentify issues. There's a lack of resources and lack of people who are trained to effectively work with Indigenous peoples. There are only 500–1000 Indian psychologists in the U.S, this is the same with medical doctors and licensed chemical dependency counselors.

Drugs and alcohol abuse is a pressing issue for all Natives, both on and off the reservations. There's lots of money for prevention, but it's not being used how it should be; otherwise there wouldn't still be such high usage.

One of the most pressing issues for Children/Youth is the lack of access to mental health resources; one of the leading causes of death is suicide. Mental health professionals either don't exist, or people in rural areas can't afford them.

One of the most pressing issues for Persons with a Mental Disorder is the inability to secure meaningful health care depending on where they live. There's a lot of misdiagnosis. There's also a lot of treatment for the symptoms of substance abuse as opposed to addressing the roots of the problem.

Mental health issues are so normalized in Native communities. People think, "That's just how they are." That's not ok.

Substance use and mental health issues/lack of services: reservation/tribe/urban specifics

Blackfeet.

- ♦ *There's substance abuse, meth, and mixing drugs and alcohol.*
- ♦ *Substance abuse and addiction, especially meth and opioids. The drug use is related to trauma.*

- ♦ *One of the most pressing issues for Children/Youth is addiction in families as a result of trauma.*

- ♦ *One of the most pressing issues for Persons with a Mental Disability and Persons with Substance Abuse Issues is there are no services for them on the reservation.*

- ♦ *One of the most pressing issues for Persons with Substance Abuse Issues is the lack of support from their family and community. Also, when they return from treatment, they're being "thrown back to the wolves" of the environments where there issues developed, before they have tools to handle it.*

- ♦ *One of the most pressing issues for Persons with Substance Abuse Issues is accessing services, especially during the pandemic. Grandparents want to be able to petition the court order their children participate in drug treatment so that they're able to lead healthy lives and parent their children. There is a local treatment center for adults, but not for children. Children seeking treatment have to travel out of the state.*

- ♦ *There will be a lot of mental health issues prevalent for a long time after the pandemic. There has been increased anxiety and depression, and people have become addicted to their screens with all of the remote work. There were a lot of both Covid-19 deaths and natural deaths, and it wasn't possible for people to get closure from grieving in traditional ways.*

Crow.

- ♦ *Chemical dependency is widespread. In my generation, it was the young people that drank and partied. There were older people that had alcohol and drug problems but now I'm seeing the changes from opioid abuse. I was taken aback when I started realizing who had issues with that. It's across the board, if you are working or not, educated or not. Our meth problem is pretty serious.*

- ♦ *One of the most pressing issues for Children/Youth is substance abuse. It's a stereotype, but if you don't have anything to do with your time that's what populations tend to do.*

Flathead.

- ♦ *Mental health issues—including substance abuse. There is an increasing rate of mental health issues and substance abuse issues amongst college students.*

- ♦ *One of the most pressing issues for Persons with a Mental Disorder and Persons with Substance Abuse issues is access to care, which includes medications, counseling, and in-patient treatment. There are no in-patient services on the reservation. There is only one place in Polson with short-term beds available.*

- ♦ *Drugs and alcohol use disorder. Meth used to be the biggest problem. Now, more tenants use heroin or prescription drugs.*

Fort Belknap.

- ♦ *Addiction.*

- ♦ *This is a "can of worms." The worst problems are underlying health conditions and behavioral health that then bleed into substance abuse. There are no in-patient services for behavioral health or substance abuse. There used to be two behavioral health providers, now there is only one traveling back and forth between the two towns. It takes six weeks to get an appointment. There's been a huge rash of suicides in the last two years. Having behavioral health and chemical dependency services could have helped. Even at Fort Belknap Agency, it's three miles to get to behavioral health services.*

Fort Belknap/Rocky Boy's.

- ♦ *Addiction and alcohol and substance abuse is a common problem for which there's not really help available on or off the reservation. There are no in-patient services available. The Bullhook Community Health Center has out-patient services in Havre, but there aren't any on the reservation.*

- ♦ *Mental health issues. Victims of domestic violence come in with mental health issues and sometimes the service organization mistakes it for substance abuse.*

- ♦ *Lots of drug and alcohol use.*

♦ *One of the most pressing issues for Persons with Substance Abuse Issues is there are no urgent care services.*

Fort Peck.

♦ *No mental health services.* In one case, there was a child with the mind of a third grader and mental health issues. The family was tired of watching over him and said, “I guess I could chain up my son.” *They put the child in jail. While in jail, he talked about being sexually abused.* There was a meeting with multiple agencies and the Montana State Hospital, but there were *no beds or long-term housing services available for him.*

♦ *There are people who are schizophrenic, bi-polar, and have PTSD. There’s an absolute lack of services available for them. There’s one state hospital in Warm Springs, which is an eight-and-a half hour drive from the community.* Family members aren’t able to get them there or visit. Even if they can access transportation there, they’re evaluated, medicated, and then released without receiving services. Individuals need a follow-up plan. *There’s a lack of doctors who can diagnose, medicate, and work with people both on and off the reservation.*

♦ *One of the most pressing issues for Persons with Substance Abuse Issues is people aren’t understanding about addiction, often they’re just put into jail.* Some of them are *victims of domestic violence or sexual assault* and don’t know how to deal with their trauma. They don’t know who to reach out to, so they turn to drugs or alcohol to deal with it.

♦ *One of the most pressing issues for Persons with Substance Abuse Issues is access to case management and post-treatment care.* Some of those services are beyond what a health center can do. People need help with reintegrating back into society and getting back on their feet, accessing those resources.

Great Falls. *One of the most pressing issues is the lack of access to culturally relevant mental health services.* There’s a real gap and no meaningful interest in closing that gap by providers. There is an *underlying hum of racism and discrimination involved.*

Rocky Boy’s.

♦ *Substance use disorders.* There’s meth and heroin now, it used to just be pills. Substance abused has progressively gotten worse. *We have an out-patient Chemical Dependency Center and a residential home.* These resources have access to state and federal money for those services, but *when someone leaves the program, they don’t have a lot of support for living a clean and sober life.* There isn’t *drug testing for housing*, but there is for *Temporary Assistance for Needy Families (TANF) and employment opportunities.* *People have to access services in order to get TANF; they do a good job of working with people.*

♦ *We only have one place that offers mental health services, the Rocky Boy’s Health Board.* They’re *under-staffed and only open from 8:00–4:30.* There are long waiting periods and they don’t have time to deal with people on *Temporary Assistance for Needy Families (TANF).* There is *no one on call after hours, so there’s no one to help people who are suicidal.* *All counselors have turned over in the last year.* They can’t do wrap-around services, so it creates a *revolving door for the patients.*

♦ *Substance abuse issues.* A lot of *veterans* develop *PSTD/TBI* after deployment or had those issues prior to deployment and develop substance abuse issues.

♦ *A most pressing issue for Children/Youth is children are being taken away from their parents when parents struggle with substance abuse or a disability and there isn’t anyone to advocate for the parents.* Sometimes kids are being taken away because of small amounts of pot. Being removed from their homes without trauma informed care is very damaging to children and their development as an adverse childhood experience. *We need to focus not on pulling people out of the river, but stopping them from jumping in; figuring out what is going on up the river.* There are *no mental health or drug services available for youth.*

♦ *A most pressing issue for Children/Youth is living in a home with substance abuse or mental illness.*

♦ *We need health services because of trauma we've experienced. Covid-19 has been a major health issue. We don't have the personal protective equipment or testing. The National Guard came in July 2020 and tested 1400 people, but we didn't get the results back for two months due to delays in processing, so it didn't do any good.*

♦ *It's so hard to get our people into treatment for substance use. Treatment won't take them if they've been sober for 30 days, but some have sat in jail for six months.*

♦ *Behavioral health services were pretty good, but our two best providers left this year.*

Missoula. *Out-patient services is not much of a problem, but the lack of in-patient services is very much a problem. All Nations Health Center only offers out-patient services.*

Lack of funding for the Indian Health Service and the Urban Indian Health Centers. Indian Health Services (IHS) are severely underfunded, which restricts the number of medical staff, equipment, and supplies available for their direct delivery to community members. Underfunding limits services obtained under Purchased/Referred Care (PRC). Often, life-or-limb illness and injuries are the only referrals approved, and sometimes funding runs out for even those referrals.

IHS is over-burdened. Medicaid expansion has increased contract referrals.

IHS struggles to retain long-term physicians, which makes it hard to establish care over time for chronic conditions and hard to establish trust and communication. There is a workforce capacity issue. People don't want to live on a rural reservation if they have an advanced degree. The Tribe should invest in its own training programs and help pay for advanced schooling.

Indian Health Services are inadequate. They don't provide good quality care, and don't have specialty care. Individuals are often referred to Havre, Billings, or Great Falls. If you're a tribal member but don't live on the reservation, they don't necessarily cover the cost of your care.

The Urban Indian Health Centers in Butte, Great Falls, Helena, and Missoula are health care centers through IHS under contract. The IHS budget only gives one percent of its funding to these centers, but more than 70% of Montana's tribal population lives in urban areas.

It's important to note that Missoula, as an off-reservation town, only has an Urban Indian Health Center. Urban Indian Health Centers receive only one percent of IHS funding. On-reservations are federally operated and tribally operated health centers.

Another issue for providers of care in urban areas is that the IHS reimbursement rates for urban health care is less than that for reservation-based health care for Native Americans.

A complicated system. One health expert described the health care system for Native Americans in this way: *The whole (system of care) is so complicated. Natives do not understand that IHS is not a health insurance plan, there is no health insurance card. IHS uses a priority system, so many are turned away when they go for services. The IHS doesn't have enough money to provide all the services needed. Many aren't seen unless it's an emergency.*

The IHS referral system creates even more confusion. People have a long history of having the concept that they need to have a referral from IHS to get services somewhere else ingrained in them. Getting a referral from IHS doesn't mean they will pay for it. There's a separate system where an IHS committee

has to approve the payment for services from a non-IHS provider. Multiple groups have to work together before individuals can get covered-services outside of an IHS facility. For example, I took my mother to Kalispell for her teeth after getting an IHS referral, but IHS didn't pay for it. It's a long process that causes a lot of people to be late on paying their health care bills. IHS always pays late. I took my mom to Cut Bank to the ER. The bill was being turned over to collections even though the final decision from IHS was not in yet. My dad couldn't hear; he needed to get to Kalispell to get his ears checked. The IHS wouldn't give him priority for services because it was not at the level of loss of life or limb. You have to appeal IHS decisions. It's complicated. IHS has committees for Purchased/Referred Care. There are lots of appeals at Crow.

People may not have transportation to get to off-reservation service providers. Medicaid pays for transportation as a reimbursement afterwards, not upfront, so people often can't get to a provider. Medicaid also pays transportation to the nearest provider; that provider might be in North Dakota, but you want to go to Billings.

Access to health care is such an important need. Many don't know what it means to have control over their own health care. As Indian people, you feel like you're in a cattle shoot, and then they close the shoot. What choices do you have? You contact them and you don't get replies. You don't know who to call. It's hard navigating the health care system; where to get services, what health care benefits are, getting approval beforehand, etc. If you don't understand the health care system, you'll continue to use what you know—IHS. We need education about what health coverage is and how to use it. People need to know how to coordinate Medicaid with tribal care.

Off-reservation, it is hard to maintain a health care relationship with service providers because it can be expensive and disruptive for patients to travel. Delayed visits impact health outcomes. IHS-eligible patients often don't understand health insurance. IHS helps with Medicaid applications so that does mitigate some of that issue. If the IHS refers out then they'll cover the cost, but if they can't and you go on your own then you have to pay yourself; this creates debts and impacts financial stability.

Blackfeet. *There is no help for people when they are referred to services out-of-state. Medicaid pays \$200 for travel, but doesn't pay for medicine. It's so hard to get appointments on the reservation, especially for dental care. My father's cancer wasn't caught on Blackfeet until it was Stage Four. People don't have transportation. A lot of people who go to the IHS when they're suicidal are just sent home. When someone is so mentally sick, they can't do anything; they send them out the door and hope they make it to the next day.*

Discrimination. One interviewee described discrimination of Native Americans in obtaining health care as *far and wide; on reservations, in border towns, and in the cities.*

Great Falls. *There is an extreme amount of health disparities and inequities.*

Missoula. *We refer to providers, but have had to change providers because of discrimination.*

Consequences of Health Issues to Individuals or the Community

Disproportionate deaths. The death rate is significantly higher for Native Americans than for white Americans. For example, in Cascade County the all-cause mortality rate for American Indians/Native Americans was two point six times higher than that for Non-Hispanic white Americans between 2010 and 2014. Cancer caused Native American deaths at more than twice the rate of Non-Hispanic white Americans during the same period.

Between 2011 and 2015, Native Americans in Montana lived sixteen to nineteen years less than the state's white population, with a median death age for Native American men of 59 and women of 63. The disparity in life expectancy is even more drastic on some reservations. On Fort Peck for example, Native American males had a median death age of 47 and females of 58.5 from 2011 to 2013.

During the first year of the pandemic, Native Americans in Montana died from Covid-19 at a rate of 3.3 times that of white Montanans. This was a consequence of the health issues described above, overcrowded housing, and other issues described in this report.

Suicide. Between 2012 and 2016, Native American males in Montana ages ten to 24 had the highest suicide rate of any ethnic or racial group in the country. This suicide rate of 55.4 per 100,000 was more than double that of their white counterparts. In 2017, the percentage of Native American high school students in Montana who had attempted suicide in the last twelve months was nearly double that of all Montana high school students. Many interviewees talked about the prevalence of suicide and suicide attempts in Indian Country.

When the number of suicides began rising at Fort Peck in 2010 and there were no in-patient mental health facilities on the reservation, the Tribal Council created a criminal charge that allowed the police to put people who are deemed to be a risk to themselves or others in jail. Montana, as with all other states in the US except New Hampshire, prohibits the jailing of suicidal individuals. The Tribe was charging two to four individuals per week, many of them adolescents, in the fall of 2021. The jailed tribal members are not released until they undergo a mental health evaluation and attend a court hearing, where they may receive a court-ordered treatment plan. However, there is only one mental health professional on the reservation, so the evaluations can be delayed. The Tribe lacks jurisdictional authority over nontribal members in this area, so they aren't put in jail, they're put in the hospital and a police officer sits with them until they can be evaluated—sometimes days later. The suicide rate on the Fort Peck Reservation is six times the national average. The Tribe and mental health advocates have been trying to find alternatives to jail, but most of them require hiring more mental health professionals, which has been extremely difficult, probably due to the remoteness of the area.

*There's an **increase in the suicide rate of children** because they need something to do; they need support they're not getting.*

Without culturally appropriate mental health services, Native Americans who have experienced a death of someone close to them may die of suicide. An example given: *All but one tribe in Montana believe that when someone passes, the first year is not a time of mourning. That person is still there. They're preparing for the next camp. Their spirit is with the family. **At the one year anniversary**, there is a journey song that is sung. At this time **is when you tend to see suicide attempts, drinking, and/or individuals getting into trouble.** It's very culturally specific. When the westernized culture is forced on American Indians, it impacts their mental and behavioral health. **Western therapists don't know to ask about people passing and the timing of it.** They think their patient is doing fine that first year, and then the one year mark happens. **Providers need to understand the Indianness of someone.***

Neglect of the children. With widespread drug and alcohol abuse, *children are often neglected, and some are removed from their homes. Social Services doesn't have enough caseworkers. Existing caseworkers have high caseloads; there's no downtime for them or law enforcement. Police either give caregivers a slap on the hand or they don't do anything, they just walk away. Maybe police don't want to do the report so they let people go and the children are left alone. **There's no accountability for the children:** they disappear, there's incest. Children are put back into the home and there's no follow-up, so **children fall through the cracks.***

Kids lack access to food, homes, etc. If their parents are struggling and have addictions, it can make it hard to succeed in school without a stable home life. This has a huge impact on youth. These adverse childhood effects then impact on their own adulthood, so it is a cyclical problem.

Consequences of Health Issues: reservation/tribe/urban specifics

Blackfeet.

♦ *There are many consequences of substance abuse, meth, and mixing drugs and alcohol. It impacts children; 49% of babies are born drug-affected, families split up, parents are in and out of children's lives, children are seeing their parents do drugs, and they have to care for their siblings. Addictions can lead to homelessness. Grandparents, and sometimes great-grandparents are affected because they have to start taking care of their grandkids and great-grandkids because the parents aren't in their right minds. IWCA is often involved as well. There's a lack of respect for the community; homes aren't safe, and break-ins are frequent. People on meth are like zombies out of their mind. People have tried so many things to get these individuals help but they don't want the help.*

♦ *Drug use leads to assaults and drunk driving. Car accidents are so common, and there is a complicated relationship with Montana highway patrol.*

Crow. *Chemical dependency of individuals affects the entire community; crime rates have skyrocketed. A long time ago, when I started with the police, there would be a major felony about every six years. Now it happens all the time, every couple of months. Stuff happens now that never used to happen and it is tied to chemical dependency, unemployment, and general breakdown in our society.*

Fort Belknap. *Addiction goes hand-in-hand with our rising crime rates. Increased crime is the biggest consequence. Addictions lead to the over utilization of existing criminal resources. Children are displaced, neglected, abused. This spurs the further utilization of social services and court resources. There are also mental and behavioral effects on individuals.*

Fort Belknap/Rocky Boy's.

♦ *The consequences of addiction: higher crime rates and homelessness because people don't want people that are addicted in their homes. There's no homeless shelter. If they qualify as a victim of domestic violence, the Human Resources Development Council (HRDC) puts them up in hotels. There are increased suicide attempts and successes. Also, because they can't escape their situations, some victims of victims of domestic violence turn to drugs.*

♦ *Consequences of mental health issues: higher crime rates, homelessness, and inability to hold down a job.*

Rocky Boy's.

♦ *Substance abuse issues impact both housing and employment.*

♦ *Because of trauma, people aren't able to take care of their family or maintain employment because they get in trouble. Behavioral health services are needed. Trauma affects the body; we need physical health care. Trauma needs to be addressed through behavioral and physical health care. Substance abuse and crime ties into health. Unemployment ties into health.*

Great Falls. *A consequence of discrimination is not being able to access to health care. American Indian patients going to Benefis Health System in Great Falls have experienced racist comments, been pushed to the end of the line, and been turned away. The Indian Family Health Clinic (IFHC) provides Covid-19 vaccines. When American Indian veterans went to the local Veterans Affairs, they were told to go to IFHC, when they should have been served at the Veterans Affairs. Others went to Benefis and were also told to go to IFHC.*

How to Address Health Issues

Increase tribal involvement. *Services are improving so much with tribes getting more involved. Some are 638-ing (transferring funds and responsibility from federal to tribal control) and taking control. Some now have preventative programs.*

Medicaid expansion has been a huge improvement in increasing access to the health care system. In 2019, 28.6% of Native Americans were uninsured, many of whom may be eligible for Medicaid. By December 2020, more than 15,000 Native Americans were enrolled in Medicaid under Medicaid expansion.

Medicaid expansion provided money for the Indian Health Service, which is always under-funded. Improvement takes good policies and funding through Congress and Medicaid. Urban Indian Health Clinics have been more successful. They have partnerships with Medicaid that work. We need to close the gap between what services cost and what providers are paid.

Help getting eligible people on Medicaid. *The IHS and tribal health systems all have benefit coordinators that help people access third party resources, but it can be complicated. For example, Lame Deer has small clinic. The Benefits Coordinator is 638-ed from IHS (transferred from federal to tribal control). It's a tribal position, but run through IHS.*

Meet people where they are. *Some tribes have moved some care into the schools. The elementary school in Fort Peck has teeth cleaning so students don't miss a day of school. We should also be doing that with some behavioral health services.*

Teach the culture to providers. *To provide culturally appropriate mental health services, we need to make a very concerted effort to introduce the culture to others through the Tribe or elders teaching them. (Question: What about creating a federal requirement for cultural training for providers that receive Medicare or Medicaid?) Yes, they should do that.*

Include traditional practitioners. *The Fort Belknap IHS hospital was seeking to hire two traditional practitioners in 2020, which was a first. These practitioners were to educate hospital workers about traditional health practices and cultural sensitivity, use traditional diagnostic and treatment procedures like ceremonies, blessings, and sweats, and connect patients to resources. These practices had been prohibited by the federal government through the 1970s. (It is unknown if they ended up being able to hire for the positions.)*

Increase health care facilities and coverage. *During the pandemic, Native Americans were turned away from Billings Hospitals because they were full. We need to make sure we have health care access within tribal communities. The Little Shell don't currently have their own clinic or health care facility, so they put additional stress on the facilities of Blackfeet and Fort Belknap. (Little Shell has since opened a clinic in Great Falls.) We need investment in having our own community members care for our people.*

Help understand payment systems and improve credit. *MLSA could help Native Americans understand the payment system. There are experts on Purchased/Referred Care in the Billings IHS office. We also need assistance with rehabilitating credit since many can't buy a house due to their low credit scores from health care debt.*

Address multifaceted needs. *To address drug and alcohol issues, we need more money, more training, and to incentivize qualified professionals to serve the community. After someone graduates from community*

college, maybe they could get a bonus to sign on with the Tribe for two years to work with social services or police.

Have focus groups. *We need to work together and facilitate focus groups to get information about why so many patients don't show up for their appointments. We need to know ways to increase access to and encourage of utilization services.*

How to Address Health Issues: reservation/tribe specifics

Blackfeet.

♦ *Our Healing to Wellness court was doing well, but there was no aftercare. It's basically three phases; weekly check-ins, homework each week, and if you are in violation you could go to jail. There's an entire team for that person. There have been people who have been successful in the program; they're working now, they've gotten their kids back, they have home.*

♦ *There is a treatment facility on the reservation, but it is underfunded and understaffed. It is hard to get people into treatment; the process needs to be streamlined.*

♦ *There are resources in the community, but they are difficult to navigate. It's been challenging during the pandemic to facilitate a warm hand off between students and resources.*

Crow. *Our community, as a whole, needs more education about chemical dependency because even if we aren't chemically dependent ourselves, we are often enablers for those that are. It's ingrained into me to take care of my brothers and sisters. My cousins that are the same age as me have the same expectations. There are no boundaries to that. I lost my brother to an incident related to alcohol when he was 23. It took a long time for me to see how I thought I was helping him, but wasn't. In the 50s and 60s we survived because we took care of each other. The community took care of each other, but now we've crossed that line of doing everything for our loved ones. We have a substance abuse program, and we should be pouring more money and resources into it. People can elect to go to the program and there are also many who are court-mandated to go. I don't know if there's family counseling available, but if there is it's probably not very prevalent. They help get people into in-patient treatment. They used to assist with transportation, but lost access to government vehicles so they aren't able to anymore. Lack of access to transportation can be a major prohibitive factor in people being able to access treatment. By the time people are wanting treatment, they have often already lost their vehicle. Lack of transportation can impact receiving healthcare, education, and other necessities. We have a public transit system, but I don't know if it's running right now. They would transport people to IHS, the college, schools, and Billings. Students ride the transit to Lodge Grass for school but if it's not running, how do they get to school?*

Flathead.

♦ *We could use more counselors. Tribal Behavioral Health doesn't have a psychologist. They did just hire someone to run both Tribal Health and Tribal Behavioral Health, so maybe that will change. The Public Defender's Office tries to bridge the gap between Tribal Health/Behavioral Health and the patient, and case managers help. With a past grant, they had PhD candidate psychologists in their office to provide services.*

♦ *We try to refer college students to the various community resources that already exist and try to facilitate virtual meetings for people to attend for prevention, but it is difficult during the pandemic. A lot of people need the face-to-face interaction.*

♦ *We would like more diversion programs for people with drug or alcohol use disorders and to let them access tribal housing. There needs to be more collaboration between Tribal Health and the Housing Authority. We need progressive housing programs from supportive to rental to homeownership to protect both families and the community as a whole. Homelessness is becoming a*

problem everywhere. People are living in tents along the river in Missoula. If we had housing, they wouldn't be there.

Fort Belknap. It comes down to *funding for additional services*. Existing resources are stretched thin. We need to fund existing services and establish additional services, such as a *group home for youth and a halfway house for adult offenders*.

Fort Belknap/Rocky Boy's.

- ♦ *We need more on-reservation options for addiction services and in-patient treatment*. There are treatment centers at Fort Peck and Blackfeet, but they always have waiting lists.
- ♦ *We need more mental health services*.

Fort Peck.

- ♦ *There should be long-term housing services for persons with mental health issues*.
- ♦ *Behavioral and mental health services are a big issue, and there's a lack of emergency services in particular. We do send people to treatment, but we don't have an in-patient option and that makes it harder for people to join and stick with a program. We need a more comprehensive and sustainable treatment program*.

Little Shell. *We need to make MLSA more known in the community by training tribal health clinic staff in the services MLSA offers. It's got to be a question on the intake paperwork: Are you in need of legal help?*

Rocky Boy's.

- ♦ *More treatment resources are needed to address substance abuse issues*.
- ♦ *Every department on the reservation should have trauma-informed training*. If not, people can develop additional mental health issues and end up in jail or prison. Trauma can go back generations, pass on through the genes, or can skip generations. We're trying our best. We worked to develop a Rural Health Certificate offering from Stone Child College. All students in Health career training and every paraprofessional and professional in Health and Social Services did it. The program addressed their own trauma, and they were encouraged to use the training with their own patients. Substance Abuse and Mental Health Services Administration (SAMSA) funded. Non-native need trauma-informed training, and it needs to happen every year because of high turnover rates. Trauma-informed training can have a huge impact. *When people go to the White Sky Hope Center, our chemical dependency center, if trauma-informed healing is employed, some can heal quickly, can hold a job, and are able to stop using drugs*. Before this, many couldn't pass the drug test or the background test required for employment, which perpetuated poverty.

Availability of Health Community Resources

Blackfeet.

- ♦ *There's one full hospital in Browning; it's the only one on a reservation that can deliver babies. The Blackfeet took 638 (transfer federal to tribal) authority and money and started a clinic where people can get in for appointments*. They don't have lab or x-ray capabilities, so the clinic still has to refer people to IHS for labs and x-rays, but at least people can get in to see someone.
- ♦ *Sometimes available services overlap one another, but they don't communicate or work together. There are two treatment centers and plenty of other counseling and support resources*.
- ♦ *We have our own substance abuse treatment program*.
- ♦ *We are developing a Healing to Wellness Court for adults and youth*.

Flathead.

- ♦ There are *tons of programs and resources both at the college and in the community for substance use prevention and treatment and wellness.*

- ♦ *The Salish and Kootenai Housing Authority (SKHA) has a transitional living center for people who are recovering from substance abuse. They get drug/alcohol tested. A supportive living center for fourteen people just opened as part of the CSKT Defenders Office holistic approach to dealing with mental health and/or substance abuse issues. SKHA has no drug test requirement for a rental unit, but an individual can't apply for five years if they've been evicted for drugs unless they can show by a preponderance of evidence that they should get assistance. When SKHA issues an eviction, the tenant has a right to file a grievance with the authority's board. Some file a grievance and some don't. Those that go to court may be represented by the Public Defenders Office.*

- ♦ *Tribal Health and Tribal Behavioral Health are starting to set up a telehealth system. Tribal Health contracted with a person recently who does co-occurring assessments, including one day per week for the Public Defenders Office clients, who are mostly in jail.*

Fort Belknap. *Tribal Health offers **Alcoholics Anonymous and Narcotics Anonymous meetings.***

Fort Belknap/Rocky Boy's.

- ♦ *Addiction services off-reservation: **Churches, Salvation Army, and Community Health Services.***

- ♦ *For mental health services on the reservations there is only the ER, where they just give medication to calm patients down. **Bullhook Community Health Services has outpatient services.** Counseling takes a long time to get in. People have to go to Billings for in-patient care.*

Little Shell. *A clinic opened in Great Falls in January 2022, offering **primary and behavioral health care, dental care, vision care, pharmaceutical services, labs, and radiology services.** It will be run by the IHS for at least three years, then the Tribe will take over operations. *The Little Shell Tribal Health Clinic will focus on prevention and assessing an individual's health risks. Based on the results of a Community Needs Assessment, the clinic will focus on five areas: Covid-19 education and prevention, chronic disease prevention, substance use and harm reduction, peer support, and home visiting. They're also **trying to set up a system where patients can get all of their care done in one day,** so they don't have to travel multiple times.**

Rocky Boy's. *There's not many community resources for substance abuse besides what is offered by the **Rocky Boy's Veterans Center.***

Butte. *The **North American Indian Alliance** is doing a re-organization and working to understand the intricacies of providing health care as an urban organization and to improve access to primary care. It's the North American Indian Alliance's 50th year in Butte. It started out as a place where the Native American community could come for cultural activities, prevention services, education and then it kept adding services, eventually evolving into **providing primary care, behavioral health services, and diabetes programming.** There's a need to address multiple issues and provide wrap-around services.*

Great Falls. *The **Indian Family Health Clinic (IFHC)** provides **primary care** to American Indians and others. They are a Federally Qualified Health Center (FQHC) so all services provided are free for all, not just American Indians. Twelve percent of the IFHC patients are not American Indians.*

Further Explanation of Health Needs and Resources

The federal government has a trust responsibility to provide health services to Native Americans. The Indian Health Service (IHS) is on the Blackfeet, Crow, Fort Belknap, Fort Peck, and Northern Cheyenne Reservations. Their level of service varies from a clinic to a small hospital to a larger hospital. Some of the

tribes have what are known as 638 agreements with IHS where the tribe provides some of the services instead of a federal entity—behavioral health, etc., and receive funding from IHS to deliver said services.⁹

On the Rocky Boy's and Flathead Reservations, the tribes contract with IHS to receive funding to deliver health services themselves through tribally-owned and operated health departments.

Urban Indian Health Centers and tribal 638-provided (transferred federal to tribal control) services can bill IHS, Medicaid, and insurance for eligible patients.

When the Tribal Public and Environmental Health Think Tank developed priorities for tribal public health, the group acknowledged that five social determinants have affected tribal health and well-being: unsafe, inadequate housing, barriers to educational achievement, persistent generational poverty, deeply rooted historical trauma, and societal and institutional racism and discrimination.

The Fort Peck Tribes did a Community Health Assessment in 2016. The key health concerns identified were: Substance Abuse, Mental Health, Chronic Disease, Communicable Disease, and Maternal and Child Health.

The Blackfeet Tribal Health Department's 2018 Community Health Improvement Plan had three priority areas: Substance Use, Mental Health, and Breastfeeding.

The Northern Cheyenne Tribe did a Community Health Assessment in 2018. The community priorities identified were: Mental Health, Substance Use, Trauma, Housing/Homelessness, and Education/Youth Opportunities.

The Chippewa Cree Tribe did a Community Health Assessment in 2019. The top ten community health priorities identified were: Mental Health, Substance Use, Nutrition/Food Access, Trauma, Healthcare Infrastructure, Chronic Disease, Family Health, Access to Specialty Care, Poverty, and Domestic Violence. One of its findings about poverty in the community is that *it manifests in lack of food and housing, but also encompasses the chronic stress of poverty and its relationship to mental illness and substance abuse*. A few of the assessments' findings from the 2018 survey of community members:

- **39% had experienced four or more traumatic events during their childhood, while 68% had a traumatic experience as an adult. Types of trauma experienced during childhood:**
 - 54% had a household member who abused substances
 - 51% had parents who divorced/separated
 - 32% experienced verbal abuse
 - 31% had a household member in prison
 - 29% had a mentally ill household member
 - 26% experienced physical abuse
 - 25% witnessed domestic violence
 - 20% experienced sexual abuse
- 44% reported having a regular doctor they see for medical issues and 64% reported trouble accessing adequate medical care in the past year.
- 34% indicated that sometime during the last year they worried about food running out before they had money to buy more, and/or their food did not last, and they did not have money to buy more.
- 32% reported they had a friend or relative who had attempted suicide in the past year.
- At least 23% of women receiving prenatal screenings at the RBHC admitted using opioids while pregnant.

⁹ The Billings office of the IHS would have a list of which tribes have a 638 agreement.

- Eighteen percent had used meth at least once in their lifetime, with five percent using the last 30 days.

Civil, Criminal, and Juvenile Justice Access and Attainment

Access to and Attainment of Justice Issues

Issues involving access to justice and the attainment of legal assistance were identified as a most pressing issue by more than a third of the individuals interviewed. The issues were in the civil, criminal, and juvenile justice arenas. Generally, the criminal issues described in this section involve accused or convicted individuals. Issues for victims of crime, including victims of domestic violence, are described in the next section.

Lack of access to legal assistance, procedures, and forms was the most pressing issue identified most often in this area. Many interviewees, including judges and court clerks, described how Native Americans in Montana do not have access to attorneys or tribal advocates for civil issues and many times not even for criminal cases. They also are unable to access court procedures or forms that may help them navigate their legal issues, which can have huge ramifications on their life. *Individuals need to have access to general legal advice so they understand that they have recourse.* The pandemic intensified this accessibility issue. *Lack of access to justice for tribal, state, and federal court systems has been exacerbated by the pandemic. Courts are either closed or operating at limited capacity. There is limited access to lawyers.* (August 2020)

Civil and Criminal Justice Issues: reservation/tribe/urban specifics

Blackfeet.

- ♦ *People can't afford attorneys and there aren't many lay advocates, even those that can afford to pay for services can't access services as the Tribe hires most of the good tribal attorneys.*
- ♦ *There are limited resources for a large population area.*

Crow. *There's no functional criminal defense, no public defender.*

Flathead. *There's a lack of access to legal representation.*

Fort Belknap.

- ♦ *There's a lack of access to legal assistance.*
- ♦ *People don't understand their rights.*
- ♦ *There's high turnover rates at the court and limited access to advocates. It is difficult to incentivize law-trained and qualified individuals to accept and remain in positions at the court. It is difficult for individuals to retain legal counsel, even from advocates who work at a reduced rate.*
- ♦ *Many people aren't able to get to the court. Poverty is so widespread that there are plenty of people without cars, and many with no telephones so they can't notify the court that they have no way of getting there. Getting the gas to go to Fort Belknap Agency is a big burden. They should do Zoom hearings in an office in Hays and do distanced hearings after Covid-19.*

Fort Peck.

- ♦ *Lack of access to the justice system for criminal and civil matters. There is counsel for criminal defense, but a lack of civil legal representation.*
- ♦ *Lack of access to civil legal services.*

♦ *On the reservation, we don't have access to sufficient funding to provide counsel for civil issues like family law or administrative issues. There's a general lack of access to attorneys.*

♦ *On the reservation, we don't have sufficient funding to provide adequate counsel for criminal charges in tribal court, leading to increased incarceration.*

♦ *Lack of access to justice.*

Northern Cheyenne.

♦ *People cannot afford attorney or lay advocate fees.*

♦ *The high poverty rate means that people can't afford to pay for legal advice or lay advocates.*

♦ *The lay advocates in tribal courts are overworked, they need for good training.*

♦ *The court and pro se litigants aren't able to serve parties to a case. People often have a bunch of different addresses, making it difficult to get them served.*

♦ *Off the reservation, Native Americans can't afford legal advice when they get in trouble. People often end up in jail from taking the first plea because they don't have access to good legal advice and they end up being in trouble for the rest of their lives. They don't understand the consequences of taking that first plea.*

Rocky Boy's. *Traffic citations and fines are a major issue.*

Missoula. *Urban Indians deal with a lot of racism and bias. My brother got screwed over; they kept his minor record open when they were sentencing him as an adult. They don't see him as a whole person. He didn't have adequate legal representation; his public defender was switched three or four times over just a few months. Public defenders are too busy.*

Juvenile justice issues involve not having preventive services for youth and not having rehabilitative facilities and services to help them after they get in trouble.

Juvenile Justice Issues: reservation/tribe specifics

Fort Peck. *Juvenile Justice is a most pressing issue for Children/Youth. There's a complete lack of services and activities available outside of the school year. Juvenile delinquency goes up and up during the summer. When there are no groups to take them swimming or to the movies, they get bored and set a garbage can on fire and they're before the court for arson. Those that get removed from their homes are shipped across the state with no efforts made to place them with families and keep them in the community. There are very few foster care families. We have Youth Dynamics, but I'm not what services they offer, they usually deny the juvenile offenders. The Tribe's Health Promotion and Disease Prevention program does actually help them. Sometimes the best thing is for these youths is to get away and experience non-rural life, but they can be re-traumatized if they're taken away and their parents don't have way or can't afford to visit them. There should be a way to get parents there to visit them.*

Blackfeet.

♦ *We don't have a juvenile facility.*

♦ *The closest juvenile facility is in Busby. Police officers look the other way in order to prevent removing the kids from their community, which creates a lack of consequences for behavior.*

Northern Cheyenne.

♦ *Juveniles don't have access to any services when they're in trouble. We don't help them with their mental health, their medical care, or with education. Their parents don't know what to do. The kids will just develop alcohol and drug problems and commit further crimes.*

♦ *Our law code needs some work. We are having too many children going to detention.*

The disproportionate number of Native Americans arrested and incarcerated is an issue that has multiple causes and extraordinary effects on the individuals, their families, and their communities. *A big issue statewide is the dynamics around public safety policing and the disproportionate rate of Native Americans who intersect with the criminal justice system.*

Although Native Americans were only about five percent of the adult population in Montana, in 2017, Native American men and Native American women were twenty percent and 33%, respectively, of the population in state prisons.

A report about a research study that interviewed Native American women in the Women's Prison in Billings has not been released yet, but one of the researchers shared some of the findings. They found discrimination against the women in prison. If there is a fight between a non-Native woman and a Native woman, the Native woman is moved to maximum security. They call it White Women Tears. Native Americans are supposed to have a right to access to smudge, but they are not given access. They have no access to substance use treatment. As Natives, they don't use the 'right words' to gain access. The core issue around how much interviewees drank and had DUIs is they have trauma from abuse, deaths, etc. They don't know how to deal with grief. They need access to culturally relevant treatment that deals with grief and loss. There is supposed to be a re-entry officer and they don't have one. They have no resources when they get out.

Bail and bond requirements are particularly hard on Native Americans since they have higher rates of being low-income. Montana's probation and parole systems lead to a cycle of recidivism by requiring individuals to be sober and pay fees and fines. This can be challenging when mental health and substance abuse services are unavailable, and employment is often unattainable because of criminal records.

Native Americans arrested, jailed, and in prison: urban specifics

Missoula.

- ♦ *Bail and bond requirements are often unattainable.*
- ♦ *Probation and parole requirements are often unattainable.*

Urban Areas. *Most people are leaving the reservations because there are no jobs. Once they get to a city, it's a different scenario. There are all these rules. They are completely unprepared for the transition. Many of them then get in trouble. Once they get into the (criminal justice) system, it's very difficult for them to get out. They don't have the money to get themselves out. A very high percentage go to prison. They need counseling and halfway houses. It's a big issue.*

Consequences of Lack of Access to Justice Issues to Individuals or the Community

The consequences of not having access to justice or not being able to obtain legal assistance are multi-faceted. A few statewide perspectives:

Without access to legal help, many people give up. They think Natives are screwed over all the time. Not a lot of people offer free legal advice. If it's on social media, they may not have the right social circle to see it. They may not have the technology to look for legal advice or know how to use it.

People lose custody of their children, get fired from jobs, and get lots of tickets.

For the disproportionate number of Native Americans who intersect with the criminal justice system, it's about the difficulties of re-entry.

Consequences of Justice Issues: reservation/tribe/urban specifics

Crow. *Without public defenders, there is a lower quality of law enforcement in the community. Public defenders hold law enforcement accountable for due process, etc. There is no checks on law enforcement in this system. Self-represented litigants don't know how to raise or enforce their rights, and end up being subjected to unfair plea agreements and unreasonable bonds or release conditions.*

Flathead. *People are **having worse outcomes in the courts** because they don't have access to legal assistance and representation, especially when tribal members go to district/state courts. The need is great for both criminal and civil legal assistance.*

Fort Belknap.

- ♦ *People who cannot afford to be represented, **aren't aware of their rights and options**, even if they do have a good claim.*

- ♦ *There's **a lot of blame on the court for not giving legal advice, but they can really only give forms**. It can drain court staff a lot. People will go to the Tribal Council and complain about the court. The Council will accuse the court of not running the program effectively even though they are actually doing their job correctly.*

- ♦ ***People without legal assistance will just go with the flow. When they don't have any representation in court, they make the wrong decisions and plead guilty to things they don't have to.***

- ♦ ***When people don't understand their rights, they accept whatever is presented. There could have been a better (outcome) for them. When I worked at (former) the Public Defender's office, I saw this too. It's a revolving door of people. They just want to get out of jail (so they accept plea deals). It's the same in the civil court; they agree to things they don't have to because they just want to get it done.** In child support cases this means that they may agree to child support payments they can't afford, or they don't understand that they should tell the court that they lost their job or now have a job that pays less. I see really high arrears amounts. If it is the custodial parent, it could be that she agrees to less than the kids need.*

- ♦ *Due to high turnover at the court, **there aren't established and set procedural practices**.*

- ♦ *Low income individuals aren't able to access initial services and representation, so court fees compound. The cost of poverty is very high.*

Fort Peck.

- ♦ *People **don't understand the systems**, so they don't know how to proceed in **both civil and criminal matters**. Our public defenders take criminal cases, but they **are swamped**. The litigants get stuck in the system.*

- ♦ *People come to the court and **expect the court to be able to tell them how to proceed and what to put in their motions**. A lot of people are intimidated by court actions.*

- ♦ *People represent themselves, but **they don't know the laws or the procedure**. If Social Services is involved, they can get **railroaded by the court and lose their kids**. Many don't have access to transportation to get to court. **It's the same thing in landlord/tenant cases with slumlords**. People need advice.*

- ♦ *Usually, **people show up and take the plea that the prosecutor or free public defender says they should take**, they don't have the means to hire someone else for a second opinion.*

Northern Cheyenne.

- ♦ ***90% of criminal defendants are pro se**. My primary concern is for pro se people who are incarcerated; they don't know how to file correctly. We had an inmate request a form that wasn't even a legal form. The judge did away with it because people kept trying to use it to file a motion, but very incorrectly. We only use the requests now for questions about sentences, paperwork, or case numbers.*

People spend a bunch of time in jail awaiting trial because they don't know how to file correctly to be released pending trial. People just file things incorrectly: trying to file on behalf of others when they can't, filing with wrong case number, filing without certificates of service, etc.

♦ *People spend too much time in jail, which affects their families if they're the breadwinners. There are no resources from the court available if the reason for the crime is drugs and alcohol, which is common. There's also a lack of services for domestic violence, both victims and perpetrators. The Court doesn't offer alternatives to sentencing, there's only jail. There's no help for mental health issues. When people get out of jail, they just end up going back because they haven't addressed the cycle that they're in that brought them there in the first place. I don't hear about anyone getting into any programs or accessing services for help.*

♦ *Not having the option of service by publication slows down the court process.*

Rocky Boy's. *People who have traffic citations lose their license and accumulate fines that they cannot pay.*

Missoula.

♦ *My brother received a harsh sentence due to racism. There needs to be a way to hold judges accountable. When I looked into white vs. Native stats, I saw that Natives get higher bonds. I got so angry. The bond system keeps low income people in jail. I couldn't afford to get him out. The fines make it super hard to become independent, and it gets worse when you can't get hired because you're a felon. My brother went to prison for five years, then was on probation for five years. I had to get a house for him. Most landlords don't give felons the opportunity to apply. He slipped up after three years and used alcohol, which makes him angry and there was a domestic incident—not violent. He doesn't have an alcohol or drug problem. He's a really good dad to his child, but child's mother reported him and the prosecutor wanted him back in jail. White people get out. The prosecutor wouldn't lower the bond, and he was in jail for two months. He didn't want to bargain or plead because he did when he went to prison initially—thinking he would not go to prison.*

♦ *People can't meet the financial burden placed on them by bail or bond requirements, and so they are placed back in the system. Even if they meet the burden, it's because they forgo paying rent, groceries, or child support. Then they're back in the system because they didn't pay child support. It can be \$400 per month. It's a disgusting circle that revolves around money.*

♦ *When offenders can't meet the probation and parole requirements, they are funneled back into jail or prison, even though they can't meet the stipulations because there is no affordable housing and or jobs available.*

Persons with a Criminal Record was a population about which some interviewees were asked to describe their most pressing issues. Having a criminal record is one of the primary consequences of many of the other most pressing issues, including not having access to criminal defense assistance. This then leads to additional consequences.

Persons with a Criminal Record: reservation/tribe specifics

Crow. *We don't have a public defender, we only have a prosecutor. A lot of people plead guilty because they don't have the money to bond out. They'll plead guilty to get it over with, not realizing it is going to affect their record later when they try to get a job. Expungement is not common; I don't think people know they can do that. They come in on a partner/family member assault or aggravated assault and plead guilty. Then five years later they want to apply for the police academy, and they can't. They didn't understand the (collateral) consequences.*

Fort Belknap.

♦ *The biggest issue is **recidivism**; re-offending. The next one is **difficulties with paying fines and fees**. People want to **get their record expunged**, but either aren't able to or won't deal with the outstanding fines. That leads to **difficulty obtaining employment**.*

♦ *The **stigma** that goes along with having a criminal record impacts **access to housing, employment, and other societal resources**. People aren't only the crime they committed.*

♦ *We need education that a criminal record doesn't define a person, so they can still get a job. Some employers have a policy or scoring system against people with a criminal record; but I do think the Tribe will still hire them.*

Fort Belknap/Rocky Boy's/Havre. *They are unable to obtain housing and employment, which affects **child custody** issues. No one wants them around, so there's lots of **homelessness**.*

Fort Peck.

♦ *They **don't know if they can vote (in local or federal elections)**. They have a **hard time getting a job with the Tribe** because they do a criminal background check.*

♦ ***Stigma they experience if they are trying to apply for jobs**. They don't get hired. People check criminal records and then the applicant doesn't meet the standard if they have the felony. It's pretty easy to get a felony in tribal court because there's a lower standard. **We have expungement section in our Code which wasn't used much in the past but it's being used a lot now**. Corrections is trying to hire officers and they need to get things expunged. It has helped several people get employment.*

♦ ***Housing**.*

Northern Cheyenne. *Expungement.*

How to Address Lack of Access to and Attainment of Justice Issues

Provide legal assistance in civil and criminal cases. Free attorney public defenders are provided on Fort Peck and the Flathead Reservations. There are currently no other consistent free criminal defense services on the other reservations. At various times, free lay advocates have been provided at Blackfeet, Fort Belknap, and Rocky Boy's. MLSA has offered defense services at Fort Belknap and Crow in the past.

MLSA provides civil legal assistance services, as resources allow. The need for more publicity about MLSA's services was expressed often. *We need bigger social media campaigns about MLSA's services and montanlawhelp.org. MLSA needs to do more outreach and meet people where they are at. It's fine to use Facebook because elders are told what is on Facebook by younger people.*

Provide civil and criminal legal assistance: reservation/tribe/urban specifics

Crow. *Tribal judges should use their discretion. Judges should take a more active role, provided they have knowledge of how to do that. **Judges need to ensure justice for the pro se defendant but not advocate on behalf of the defendant. Lawyers advising criminal defendants, but not representing them, could be helpful.** Lay advocates handling public defense work happened in the past, supervised by attorneys.*

Flathead. *Need more funding and resources for the existing Public Defenders Office. MLSA should provide legal services.*

Fort Belknap.

♦ *Need education on the role of the court and that legal services are available. MLSA should have more of a presence and be in the community more regularly. The court gives out the list of lay advocates. I wish we had more lay advocates. I wish we had more resources.*

♦ *We need to beef up the tribal court system. Other branches of tribal government should provide services like a public defender.*

♦ *There is not enough education about rights. We need some kind of education all the way around on the courts, even if it's just a brochure.*

♦ *MLSA could provide trainings on court procedures and providing legal assistance and informational materials for different tribal court issues.*

♦ *Need workplace training on how to incentivize and retain qualified employees at the court.*

♦ *People need advice in family court proceedings.*

Fort Peck.

♦ *We need more lay advocates. Many people do it part time but it's not their primary job. The attorneys do minimal practice in tribal court and people can't afford them. We wanted to have a tribal bar association for Fort Peck to offer trainings and have a pro bono system. We worked more closely with MLSA when Rene Martell was at the Court. Lately it hasn't happened as much. MLSA needs more in-person presence, not just a brochure. Maybe we could have an option for people to come and call MLSA from the court.*

♦ *We need increased access to civil legal aid services like MLSA and self-help materials. Also, MLSA could provide brochures about the process of getting social security services. The court would put up posters for will services. Increase advertisement so people are aware of MSLA services, self-help brochures.*

♦ *Question: What about remote services for people who need civil legal assistance? Yes, by Zoom if they have internet, or by phone if they don't have internet. Some people don't have a phone.*

♦ *It's challenging to hire (public defenders) because we live in a rural area. We have to go to North Dakota for Walmart. This is one of the challenges of living in a very rural area. Now imagine if you need an attorney; it's very hard to get people to live here and provide services.*

♦ *MLSA needs someone in Glendive or Sydney. Everything (MLSA) is on the western side of the state. On the eastern side, the attorneys are in their 60s and soon there won't be anybody.*

Northern Cheyenne.

♦ *It would be better if we had a public defender, but we don't currently have the funding. Our chief judge is trying to work on that. We also got funding for a Wellness Court but that won't be off the ground for a year or two.*

♦ *Representation from MLSA would be best, but forms help too.*

♦ *We need a form for service by publication. (MLSA has now created a form and pamphlet for service by publication at Northern Cheyenne.)*

Rocky Boy's. *We need someone to help people in court right away when they have traffic citations, so they don't accumulate fines and they understand what steps to take. MLSA could provide legal support and education.*

Missoula. *If my brother had had a really good lawyer, he would have had a better chance of staying out of prison and jail.*

Reform bond, bail, fines, and fee requirements.

Northern Cheyenne. *We need grants and to work with Tribal Council to improve our laws. The current laws are ridiculous; families can't afford \$2000 bonds. I had a grandson who got in trouble. He was over eighteen. The court took my bond for his fine. That's ridiculous. Other families can't afford*

that bond, so their kids stay in jail. I talked to someone from the courts, and they told me I need to talk to the Council. Just throwing the book at people won't stop crime. It doesn't help our community to have people sitting in jail for so long. Maybe people could work jobs in jail to work off their fines and get out earlier? It's ridiculous for people in poverty to have to stay in jail just because they can't afford their fines.

Missoula. *Montana has been talking about cash bail reform, but it has never gone beyond talk.*

Eliminate racial disparities in sentencing. The Council of State Governments is conducting a study to see if the disparities in being incarcerated are due to differences in the sentences given to Native Americans compared to non-Native Americans. The Montana Supreme Court's goal is to use the study's findings to create a plan to better measure and address the racial disparities that may exist within sentencing patterns.

Provide substance use and mental health treatment in the communities, jails, and prisons. A majority of people with substance use issues who are involved in the criminal justice system have significant histories of trauma and exposure to personal and community violence. This trauma is exacerbated through involvement with the criminal justice system. Little treatment is available in prison, and recidivism is driven in part by a lack of treatment.

Individuals need access to mental health services for prevention, both while they're incarcerated and after they leave. Medicaid expansion has been an incredible resource for this, there's a lack of services available. The state needs to take it on and work to make the services culturally appropriate. Montana was behind on funding Peer Support Specialists. Those services could not be billed to Medicaid. Tribal Health Directors said it was needed. The State-Tribal Committee worked on this and got it funded in 2019, but there's still more work to do. These services (peer support specialists) are evidence-based and proven to work.

We need to address the root cause of criminal activity, which is usually substance abuse. That's why they're in jail or prison. Lots of people are incarcerated for pot and Montana just legalized pot. Now white people can smoke it, but what will be done about those currently in jail or prison? What are we going to do for restitution? To address substance use, we need to put resources toward mental health counseling, substance use counseling, and address intergenerational poverty. All those things have a price tag that are less than the cost jail or prison. We need to invest in the mental health and social supports that the community needs.

Provide re-entry assistance. Recidivism is driven by a community supervision revocation due to a technical violation or committing a new crime. Persons exiting prison and those with a criminal record need assistance to transition to and sustain their lives in the community.

The Tribal Defenders Office of the Confederated Salish and Kootenai Tribes (CSKT) have operated the Flathead Reservation Reentry Program (FRRP) since 2016. The program assists tribal members transitioning to the Flathead Reservation with holistic services that include case management, treatment for substance use and mental health issues, driver's license restoration, a reentry attorney, cultural mentoring, and seamless access to vocational rehabilitation, work placement, and transportation. After the first year, the recidivism of those participating dropped from 100% to 35.5%. Similar programs should be implemented throughout Montana.¹⁰

¹⁰ The Flathead Reservation Reentry Program receives significant grant funding from the U.S. Department of Justice.

Missoula. *We need to address the lack of affordable housing. The median house price in Missoula is now (April 2021) \$430,000. The median rent is \$1300/month for a two bedroom apartment. The median salary is \$1900/month. It's largely service jobs available where employees only get twenty or 30 hours per week so the companies don't have to pay benefits. Walmart and Target pay minimum wage and the vast majority aren't allowed to work fulltime. The CSKT Tribal Defenders are doing great work around creating a holistic village supported by rehabilitation staff.*

Availability of Access to Justice Community Resources

Crow. *There are lay advocates people can pay, but people don't have enough money to afford their services.*

Flathead. *There's the Public Defender's Office, but they are overworked.*

Fort Belknap. *People go to lay advocates. There are a few of them and they don't charge very much.*

Fort Peck.

♦ *There are lay advocates who can be hired, but attorneys are harder for people to get. I'm not sure if the public defenders help with civil issue. I can't give people legal advice, so I just refer them to the prosecutor or public defender. I've heard of the ACLU. I've heard of going through a BIA Tort Claim process.*

♦ *The public defenders give free legal advice to anyone with a civil case who asks.*

Northern Cheyenne. *There are pro se forms from MLSA.*

Rocky Boy's. *Our Temporary Assistance for Needy Families (TANF) office has a driver's license class, with a program that helps pay for traffic fees if they complete the class.*

Emerging Justice Issues

One emerging issue identified was described as cross-reservation jurisdiction. When the Little Shell Tribe was recognized by the federal government, a lot of unenrolled individuals living on the Blackfeet Reservation enrolled at Little Shell, but the Little Shell Tribe doesn't have a reservation or a tribal court system, so an interviewee thinks this will be interesting to see what happens with jurisdiction.

Another emerging issue identified by an interviewee from Fort Belknap is the room for improvement in the court system. They hope that Fort Belknap will become a Tribal Law and Order Act tribe so that people will no longer view the court as not serious because it is only able to jail individuals for a year and fine them money.

OTHER PRESSING ISSUES AND POPULATIONS IN NEED

This section summarizes the other most pressing issues that were identified by the interviewees and comments given in response to questions about pressing issues in specific legal areas and for specific populations. The exception to summarizing the data is for the first sub-section, Victims of Domestic Violence & Sexual Assault and Missing & Murdered Indigenous Women. All of the comments about this population or area are included because it has been, and will likely continue to be, a critical part of MLSA's work with Native Americans.

Two pressing issues that are not described because they were mentioned only by one or a few interviewees are voting rights and the loss of Native Americans' culture or identity.

Victims of Domestic Violence & Sexual Assault and Missing & Murdered Indigenous Women

The vast majority (84%) of Native American women experience some form of violence in their lifetime. Native American women are murdered at a rate ten times higher than the national average. These astounding statistics are reflected in domestic violence and Missing and Murdered Indigenous Women (MMIW) being identified by interviewees as pressing issues for Native Americans in Montana.

Note that other comments about these issues are in the Racial Justice, Housing, and Health sections, particularly those related to the housing, behavioral health, and mental health services needed.

Victims of Crime Issues

Missing and Murdered Indigenous Women (MMIW). Interviewees talked about the prevalence of Missing and Murdered Indigenous Women both on and off reservations. One who listed it as a most pressing issue said, *the students I serve are a high risk population for trafficking and running away, and are at high risk for finding themselves in situations that may lead to danger.*

MMIW issues are often a result of dysfunctional families. Kids run away because of stuff going on at home or go to house parties and take those risks.

Domestic violence. Interviewees described intimate partner violence and the unequal power dynamics Native American women face both on and off reservations.

*Covid-19 has changed some family dynamics and made things worse. Kids are home more often, being sent home from school for sneezing. **There's been an increase in domestic violence due to increased unemployment.** Parents that might have been working had to leave work or find relatives to care for the children. An increased in drinking turns into anger and frustration, then to domestic violence.*

Domestic violence was identified as a most pressing issue for People who are LGBTQ+ on Fort Belknap. This is likely true on other reservations as well. ***There's no protection in our code for people who are in LGBTQ+ relationships.** If domestic violence occurs, no charges can be brought because it has to be domestic violence between people of the opposite sex. If there is no protection from domestic violence, there is definitely no protection in any other area.* Some other tribes are reportedly updating their codes.

Sexual abuse and sexual assault. A truly horrific statement was made by one interview, ***Probably everyone on my reservation has been sexually abused and sexually assaulted. It started with the priests and boarding schools.*** They also listed the lack of prosecution and services for sexual crimes as a most pressing issue.

When these crimes are reported, nothing gets done because everyone knows everyone. There is no way to get justice. Drugs and alcohol used by the survivor should not be a factor. They are told that they invited the person. It shouldn't matter. On the reservations, it then means that word gets around and then other men can do something to that person, and nothing happens. They target this person. There is a reason the survivors turn to drugs and alcohols. This is done by men from both on and off the reservation,

both by men who are Natives and men who are non-Natives. The man camps in Eastern Montana are a bad combination for everyone. Because some of the women who are attacked are alcoholics, they're not considered important. That shouldn't make your life any less important. People on a lot of different reservations think the police are not to be trusted. I've heard it over and over and over. They disregard these people. They need to protect and serve.

Children at risk. The need for resources for children at risk for family violence or trafficking was identified as a most pressing issues for Children/Youth.

Jurisdictional issues. *There are jurisdictional issues that mean you can't get access to justice. Tribes do not have jurisdiction when a non-Native American attacks a Native. All felonies are referred to the U.S. Attorney. Some laws have changed, but **generally, the tribes can't hold people accountable.** The U.S. Attorney will take only limited cases. My sister is a victim advocate for the Department of Justice and the BIA and sees how helpless or hopeless the woman feels when their cases are dropped and the abuser/assaulter walks around the community, knowing they won't be held accountable. Trying to get students to come forward is so hard.*

Law Enforcement Services. There is a lack of law enforcement, especially on the Crow and Northern Cheyenne Reservations where the BIA is the law enforcement, and they are unable to hire and retain enough officers.

Need advocacy and housing services. The interviewees at the state level talked about the need for services.

- ♦ *People need access to a victim advocate to be able to help them with the legal system and identify resources depending on what their issues are.*
- ♦ *We need safe and secure housing, increased availability of advocates, and identification of available resources.*
- ♦ *People need safe and affordable housing and access to public benefits, particularly if they are trying to move. It's difficult for people to jump through the administrative hoops and there's lot of traumatization.*

Missing and Murdered Indigenous Women, Domestic Violence, and Sexual Assault Issues: reservation/tribe specific highlights

Blackfeet.

- ♦ *There's been more restraining order requests lately.*
- ♦ *There needs to be housing. Survivors need to be able to go somewhere safe with their children. The closest shelter is Missoula or Great Falls. We need **life skills training for parenting, jobs, and budgeting.** There is a domestic violence program. They have the resources to send people to safe places to stay; they used to send them to hotels but those are closed now because of Covid-19.*
- ♦ *There's a lack of criminal investigations.*
- ♦ *For major crimes, the FBI agent is all the way in Conrad, so there is very little investigation done into crimes. **It is almost a lawless society, the only things keeping it from being completely lawless is the culture and family ties. There is only token support from the federal government.***

Crow.

- ♦ *People don't come forward and don't say anything, they just suffer the abuse. **Our tribal culture has a lot of good things, but it has been twisted in some situations to mean that people don't come forward. They view coming forward as disrespectful to in-laws. They also think they won't be protected by officers.** I would like to have officers dedicated to addressing domestic violence issues. The Tribe could do more to address that our culture doesn't include people being abused. It's not okay.*

♦ *There's not enough support services. We do have a domestic violence program but it's not enough. They need more resources. There's a lack of community support. Survivors go back to their abusers because they are the ones that have the car or have the job. The victims can't pay for their own stuff. They are so beaten down. It's really hard to see them return to abusers. Having someone to go into court with them would be very helpful for their orders of protection, or at least help them write their petition for an order of protection. Going to court is scary enough. Having a public defender for people the being charged would also help, on the other side of the coin.*

Fort Belknap.

♦ *Law enforcement doesn't always give the prosecutor's office police reports, so they can't hold people accountable. There's no shelter for victims of domestic violence, they need personal safety after the fact. Miscommunications cause cases to be dismissed and this leaves people vulnerable. There's a misunderstanding of what is happening and it's really frightening.*

♦ *There's a lack of resources and there isn't a lot of information and outreach for existing resources. There isn't a strong voice. It comes down to funding. People do as much as they can, but they are understaffed and underfunded.*

♦ *There are huge gap in services for victims. A new program just started. You want people to be safe, but they have to go out of the community to access resources. They don't want to leave because their kids are in school. If they don't want to leave, it's tough. One of my frustrations is the case centers around the victim, but the prosecutors forget about them. The victims aren't updated or asked what they would want to see happen in the case. They are really forgotten.*

Fort Belknap/Fort Peck/Havre.

♦ *The number one issue is the rural nature of the reservations. You can't get away from the perpetrator. Often, it's a member of the family. There are retaliation, threats, Facebook posts, and harassment from the perpetrator or family. Law enforcement has not dealt with it. If the victim doesn't want to prosecute the case, they can't drop the case at the federal level. U.S. attorneys get frustrated but they can't just be there for the grand event, they have to be there for all the little events before trial or sentencing. It takes months and months from investigation to indictment. When the federal government is involved, they know they're probably going to do jail time, so the perpetrator and/or family press the victims and the victims lose faith in the system. On smaller reservations, the only way to send a message is by going after the perpetrators with the full weight of Federal Government and word will travel fast. But the systemic problem is there are not enough people working the cases. There are three agents and one victim specialist in Havre. Fort Peck has really good tribal officers that get stuff done, but that's not as much the case in Fort Belknap and Rocky Boy's. They can't do it because they're drinking out of a firehose out here.*

♦ *On the reservation, law enforcement takes its time responding or won't respond at all. The tribal programs sometimes don't assist the victims, and instead push to the Human Resources Development Council (HRDC) in Havre. Sometimes, victims don't qualify for HRDC shelter services because there is not physical abuse. If they have room, though, they try to house those who have been victims of emotional abuse too.*

Fort Peck.

♦ *There needs to be more support for individuals to have safety plans in place.*

♦ *One of the most pressing issues for Victims of Domestic Violence is getting a stable life after abuse. Most people stay for a long time and don't know how to do things on their own. We have the Red Bird Woman Center which will help with shelter, protective orders, and getting them clothed and fed. But once they are no longer eligible for those services, there are no other support services available. They sometimes fall back into bad relationships. They have childcare to worry about so they can't get work. There's no therapy or mental health help available. IHS has a behavioral health unit but only one psychologist and one psychiatrist. There's maybe three people within IHS to serve the*

mental health needs of thousands of people. People don't want to seek mental health treatment because of the stigma; they aren't ready to open up and share. They view Social Services as threatening to them, not working with them. They can go to outside services, but people don't know about them. They get services once they are in Social Services system, but by that time it's not voluntary.

Rocky's Boy's. *There's a lack of social or community support, financial support, and available housing.*

Consequences of Domestic Violence and Other Crimes to Individuals and the Community

Sexual abuse/sexual assault consequences.

- ♦ *Some people struggle, especially around sexual abuse. There is **lots of blaming themselves**, which affects their ability to grow and trust. Those kinds of things are hard to change.*
- ♦ *If women (who are victims of sexual assault) could get justice, a lot of people could get help.*
- ♦ *Survivors of sexual assault have **a feeling of hopelessness and continued trauma**.*

Lawlessness. *The consequence of the lack of law enforcement is "lawlessness." There is **nobody to call for serious or petty crimes, so outside forces are able to take advantage of that. This contributes to the missing and murdered indigenous women, both in terms of the lack of capacity to search and lack of deterrent for perpetrators.***

People end up in prison. *As noted in the Access to Justice section, a report about a research study that interviewed Native American women in the Women's Prison in Billings has not been released yet, but one of the researchers shared some of the findings. **They have had many adverse childhood experiences. They have experiences with violence and abuse in the family.** We found that many of the women had lived on the streets at a young age. Their first meth use was not necessarily voluntary. Often, they were injected by someone, including a family member, involuntarily. There are fairly major drug trafficking rings on or affecting the reservations. **The women have been victims of crime.***

*They talk about their experience with domestic violence. **If it's a white male abuser, police assume the woman was the aggressor because she's brown. If it's a white male, police believe him. If it's a Native male, he is politically and powerfully connected. They can pull strings. He may be from a powerful family. So, the woman ends up in prison. Some have been sexually assaulted by prominent figures. They spiral with drug use.** When you look at pictures of them before and after the abuse, they have a different look.*

*Some of the saddest situations involve **how quickly their rights to their children are terminated.** Some plea bargains involve their children. They have few places to go. There is a new YWCA shelter in Missoula. **Some domestic violence programs, when they have too many people needing services, prioritize local people, which means that women from reservations can't get services.***

How to Address Domestic Violence and other Crime Issues

Change family dynamics. *Lots of organizations are trying. We really have to change the dynamics of our family units. That starts with us as Indian people. We need to make them strong.*

Teach resilience. *In my family, which was very loving, I was taught from a very early age to not be a victim. Don't let the past imprison you. Don't be a victim. Be victorious. It's not easy when Indians went to boarding school. The warrior lost his work, and it is hard to make the transition to other work. I went to*

day school at the boarding school, I couldn't imagine what it would be like to stay. I was kicked out when I was young because I could not adapt. Everything there was so different than home.

Hire Native staff. A victim advocate at Missoula County's criminal justice division who is Native and was not available for an interview stated on a radio program that government agencies should hire Native staff who understand Native traditions and can make Native victims and survivors feel comfortable. *Laughter is a key component of healing. And Natives can have that Native humor with one another. Those things to ease that process, to ease and help that person while they're in crisis.*

Provide mental health services. *There needs to be mental health services so the sexual assault survivors can think better of themselves. They give up. We have to start with providing mental health and legal help. One school in Montana is providing lots of mental health support. Think of all the money you could save in the justice system, prison system, etc. with strong preventive measures.*

Protect the children. *We have to start protecting girls and boys from sexual assault. There are such high rates of suicide, and many times it's due to sexual abuse. Being a teacher, I have all kinds of students all the time come forward. They need access to justice and services to break the cycle. If you can break it in the schools, you can change it.*

Solve Missing and Murdered Indigenous Women (MMIW) crimes. *The Northern Cheyenne and some other tribes have volunteer programs where volunteers are dispatched all over the state to search for MMIW. Western Native Voice will be starting a volunteer training program.*

Increase and improve law enforcement. *The Crow Tribe has used their CARES Act funding to create their own police force.*

Poverty/ Lack of Employment/Lack of Economic Development/ Transfer of Wealth

Poverty was identified as one of the most pressing issues, along with its related causes of the lack of employment, the lack of economic development, and not transferring wealth, as wanted, upon death. The causes and consequences of the extremely high and disproportionate poverty rates of Native Americans in Montana are detailed in the previous section, *High Poverty Rates of Native Americans*. These causes and consequences identified by the interviewees and secondary sources are multi-faceted and inter-related.

The ratings of how common specific Community Development issues are for low-income Native Americans in Montana are in Table 3 in Appendix 1, along with the ratings for Employment (Table 5), Financial (Table 7), Public Benefits (Table 11), Transportation (Table 13), and Wills and Estates (Table 14).

Causes of Poverty

Federal policies and practices that affect land ownership and economic development. Some past and current federal policies are major causes of the high poverty rates of Native Americans in Montana. Reservations in Montana have a mix of trust land and fee land. The federal government holds title to some reservation land in trust on behalf of a tribal nation and allotments on behalf of individual tribal citizens.

Fee land is private property owned by Native Americans, the Tribe, or non-Native Americans. Rocky Boy's is the only reservation in Montana that has no fee land. Only one percent of the land on the Northern Cheyenne Reservation is fee land. The Fort Peck Reservation has the largest percentage of fee land at 54%. Fee land owned by tribes is subject to state and local property taxes, which is inconsistent with treatment of other government-owned property. This reduces the tribes' wealth.

On the other hand, trust land is exempt from property taxes, which eliminates a large source of revenue for tribal governments. In addition, the federal government has not always fulfilled its trust obligations, leading to the loss of billions of dollars of income, mostly from improperly managed land leases and the resulting proceeds.

Checkerboarding of reservation land, where land ownership is scattered, fractionated, and/or intermixed makes reservations land less usable for agriculture and other economic development uses. In addition, the federal government has to approve nearly all land-use decisions, which seriously impedes land use and management.

There are a lot of problems with trust land. Especially during the Covid-19 pandemic. Those of us with land depend on the BIA to lease out our land, and they are all working from home. I think, personally, that one of my leases came up and I think it fell through the cracks and didn't get advertised for lease because of Covid-19. People depend on the BIA. People don't know that the superintendent can sign for you if you own less than a five percent interest in a tract of land. Many people sold their land interests in the Land Buy Back. People sold their land without reviewing the fine print because a lot of money was offered, but our lands have untapped oil and that's better than (that of the Bakken oil reserves in North Dakota). They originally said the program was buying back surface interests only, not minerals, but then mineral interests were bought. People can't use their trust land as collateral for loans anymore.

There are issues with trespassing on trust land. There are issues when the BIA approves leases where we have a tribal ordinance that says that the land is open for recreation. However, the lease says they can mark off the property and close it off. The Tribe says anyone can go on the land and recreate, but the BIA says lessee can keep their land private. People go to the BIA or Tribe when they have that conflict. One time it was before the tribal court and the Court said to follow the tribal ordinance.

People not paying their leases is a VERY common issue. There are issues with leasing guidelines, and sometimes individuals are shown favor or disfavor by tribal councils.

The inability to attract outside lending on reservations and obtain credit. The lack of capital available for economic development is a major issue. Having so much of the tribes' and individual Native Americans' land held in trust by the federal government also means that it can be difficult to use the land as collateral to get loans for commercial enterprises or homes. In addition, in 2018, a national class action settlement held that Native American farmers and ranchers had been denied the same opportunities as white farmers and ranchers for federal low-interest rate loans, resulting in billions of dollars in economic losses.¹¹

If you can't get a 100% guaranteed loan by the government, then you aren't going to be able to get a loan. People don't have homes that they can borrow against the equity of to start businesses in the community.

If you go to a bank and want to get a home loan, it's extremely hard, even going through Veterans Affairs is hard. I've only known one or two people to get a loan. For farmers, I hear people off the reservation

¹¹ *Keepseagle v. Vilsack*, Case No. 99-cv-3119 (DDC) (EGS), U.S. District Court for the District of Columbia.

get those huge loans, but I never hear people on the reservation getting those loans because they can't use land as collateral.

When people get denied by banks, they will come to tribal finance and can get a loan, but that loan has a higher interest rate. There are a lot of people who were getting loans, but then because of the Land Buy Back, they are not eligible for big, long term loans because they don't have the land anymore. That is an underlying issue people didn't know too much about.

There are situations where banks and tribes could work together to reach solutions, but they are enacting things separately that just create new problems. For example, banks were repossessing individuals' pickups that they needed for ranching. The tribal court responded by saying banks needed a permit from the tribal court to repossess pickups on the reservation. So, the bank stopped giving out loans for pickups in that area.

Access to credit is really different for tribal members compared to non-tribal members. Tribal members don't technically own anything because everything they own is in trust. We do have organizations here that do their best to help tribal members start small businesses. In Wolf Point, we have Great Northern Business Development Corporation, which covers six counties in Northeast Montana.

Some of the tribal nations do not have comprehensive commercial or judicial codes yet. Lenders off these reservations are not as willing to give loans or make investments on said reservations because there is no clear assurance that the loans will be secure. The outcomes are so variable in the tribal courts, people don't want to rely on that system. This creates economic issues and also issues with a lack of investing in housing developments, and poorer housing conditions lead to poorer health outcomes.

Other barriers to economic development. *Good management of existing resources is so critical. We as Indian people have great vision and abilities. The issues are with applying and managing it so there is accountability. One thing that has created problems for the tribes is the lack of adequate funding. Now we have a chance to utilize some of the CARES Act money for developing infrastructure. We could use that money for housing, law enforcement, and other needs. Tribes have traditionally not received the amount of money needed to deal with issues; it's like they are given a really nice car, but don't have the gas to drive it. Tribes need adequate money to actually create and sustain change.*

An example (of barriers to economic development) is that in Montana, tribes can't operate full-fledged casinos. Another example is that tribes have to have Congressional approval to go into the marijuana business and by the time they get that, they'll be behind everyone else in Montana. The lack of money is a major barrier.

Another example is in medical services. The medical services world is probably the most self-sustaining because they can third-party bill, but you need good housing and good education to recruit and retain medical staff on reservations. The spouses, especially, won't come without housing and good schools. Housing is a critical thing.

Businesses don't get much support from the tribes. There's been some progress at Fort Peck. Non-Natives own most of the on-reservation businesses. The Montana Indian Business Alliance is organizing and encouraging entrepreneurs. It started a couple of years ago, but is floundering. There is a misunderstanding that everyone is being taken care of by their tribes.

Interviewees also mentioned a lack of understanding the importance of economic development and not knowing how to navigate federal, state, local, county, and tribal regulations as pressing issues. **We need**

access to capital and legal advice. When people are developing a corporation or company you damn near need a law degree to get through the pile of paperwork. That is a hindrance right away.

Lack of available jobs. There is a lack of job opportunities on the reservations. One interviewee put it this way: *Without jobs, we will never get out of poverty.*

Most people are leaving the reservations because there are no jobs. Businesses off the reservation can't find people for jobs. The reservations could provide those people if they were trained.

There's a lack of employment. *Housing and health issues make retaining employment difficult, but there's little employment opportunities available as is.* Many can only aspire to a federal job because that's what they've seen.

There's a lack of employment opportunities. The Tribe is the primary employer on the reservation, and a lot of jobs are seasonal. A lot of people are unemployed, which makes it harder to find and retain housing. The Rocky Boy's Veterans Center has job training programs for veterans, but there aren't a lot of job opportunities on the reservation and there is an issue with having consistent transportation to and from employment.

People don't have the stability needed for employment because they don't have housing. This issue varies significantly from reservation to reservation. The Flathead Reservation doesn't have as much unemployment because of the self-determination available to workers. They have more enterprises where people can work. Other reservations lack those employment opportunities. It varies a lot.

Lack of ability to obtain or stay in a job. Those with substance use issues cannot pass drug tests that may be required for employment. In addition, many Native Americans do not have the education or skills required for certain jobs, such as construction jobs. A lack of affordable childcare, not having the right clothing for work, not having a driver's license, and not being able to have car insurance are also barriers to employment. Nepotism was reported as an additional challenge.

People have *a lack of life, financial, and employment skills that leads to not having jobs.* This makes the poverty rates go up.

Many people have never graduated from high school. Sometimes it's teenage mothers. Many are homeless in Browning and Great Falls. It can be so hard to stay in school. Their homes may not have been the healthiest place to stay, so they left. They may start using drugs and alcohol and sometimes they start to run with the wrong crowd.

A lot of people that assimilated to having smaller families get better jobs. Those with ten to fifteen children don't have the resources to care for their family.

There are jobs available, but people are not able to fill those positions because there is **no job training program.**

The **lack of workforce training** is a big issue; there's a high unemployment rate because of it.

It is **very difficult to get a driver's license if you live on the reservation.** The nearest Department of Motor Vehicles (DMV) is 35 miles from Browning and they have limited staff and limited hours. It takes a lot of planning and access to information. I've never seen any information outreach from the DMV or resources from the state to address this issue. Difficulty obtaining a driver's license **limits people's access to employment as job applications often require a valid driver's license.**

*Moving to an urban area is costly and family members' resources are pretty nil. Some aspire to get a degree and come back to the reservation, but there is difficulty with acceptance from the community upon returning. Even if there are jobs available, **substance use is rampant, so many can't pass the drug test. With Temporary Assistance for Needy Families (TANF) work requirements** tribes have flexibility to have them do more to learn skills. The state doesn't have/give that same flexibility. **Some tribes require drug tests for TANF recipients.***

***Unemployment and underemployment totally affect our economy and the health and wellness of our communities.** It exacerbates the drug and alcohol problem. It all snowballs all together. We have people who are willing to go out and work and do what they can and then others that don't have that good work ethic because they have never had the chance to have a regular job.*

Federal prosecution for criminal offenses means Native people have more serious crimes on their record and then twenty years later they can't get a job.

Natives are discriminated against in hiring, which has resulted in economic inequality.

I've experienced racial discrimination at every job I've had, always from at least one person but not every person. People in Hardin and Billings, etc. are unlikely to hire tribal members because they are viewed as "nomadic" and not reliable if they don't stay in a waiting-table-type job forever, even though no one stays in those jobs forever.

It's hard for non-members to get jobs (on the reservation) because there is a member preference in some positions.** If you are non-Indian, it's very hard to get work. It would be a political faux pas for a non-Indian to be hired over a tribal member, **although it does happen. A lot of top positions are filled by non-Indians and non-members in the current administration.

*Employment law is a big issue. **The Tribe has a Workforce Protection Act (WPA), but people are fired after political changes in the administration even though WPA should prohibit firing based on political beliefs.** People who are qualified and have the ability to do their jobs are let go and then can't provide for their family or pay their bills. There aren't a lot of other employment opportunities. **We don't see people bringing employment cases as much as they should.** This current administration doesn't have an operating Tribal Employment Rights Office (TERO) commission, so people don't have meaningful recourse. Only one case has made it to the court. If there's no TERO commission, then the process is broken down because there is no administrative process. It's supposed to be an appeal to the court from the administrative decision. We should educate the community on what the laws are and how tribal politics can harm the community. This would make people less likely to let people go.*

*There is the challenge of financial education once people are employed, so they can develop the skills to establish a safety net. **When people get a job their benefits go down, and the gains from employment don't offset the cost of losing those benefits. It is difficult for people to access childcare and reliable transportation, so it is hard for people to retain jobs long term because it is difficult to make those arrangements.***

Barriers to benefits. Some Native Americans have a difficult time applying for public benefits programs online, especially for unemployment insurance, because they **do not have access to the internet or they have to wait in virtual lines.**

Some of the tribes require drug testing as an eligibility requirement for Temporary Assistance for Needy Families (TANF), which precludes many families from applying for or receiving TANF's cash assistance and employment supports.¹²

Veterans with any discharge status other than honorable cannot access Veterans Affairs benefits and services. They need assistance upgrading their discharge statuses.

Lack of access. *People don't have access to...* this was the beginning of sentences heard numerous times during the interviews. The widespread lack of access identified included the lack of access to *resources, opportunity, education, communication, technology, information, transportation, and support services (treatment, food programs, etc.).*

People don't know what's going on or what's available to them. The primary form of communication during Covid-19 has been Facebook. Before the pandemic, information was shared more face-to-face and where people gathered, but even with that people don't know what's available.

People don't have good access to technology or Wi-Fi. They mostly rely on in-person services and information. During the pandemic, this created problems as people couldn't access needed resources or apply for needed benefits remotely.

People don't have access to information both on and off the reservation. There is an internet access issue, which is really concerning because so many people don't have access to information they should have, like voting deadlines or when there is a free clinic scheduled. It's important to make information accessible. *People don't have internet access because they don't have a phone for multiple reasons: the lack of cell service, they can't afford it, and/or don't they know how to use technology.*

Social Services isn't effective in assisting community members. Critical organizations struggle with conflicts of interest, hiring issues, and lack of training. Social service providers aren't functioning well, so people aren't getting the prevention and treatment services that they need.

People aren't accessing the services they need during the pandemic. While Fort Belknap has many community services providers, the pandemic has forced everything to go remote, and many community members do not have access to/expertise in the technology required to access services remotely. Service providers are having to balance the ability to provide needed community services with keeping themselves healthy and safe.

On-reservation, the geography, distance, and lack of transportation is one of the most pressing issues. We need to take the services to the people, not make the people come to the services. To serve in the communities, you need connections. You need to commit to building that presence. That's the best way to bridge those distances, is the commitment to being there. Once you build trust, then maybe you can have some remote services.

The lack of transportation is always an issue. I estimate that one-third of folks don't have a car or access to a car. The grocery store is a two-hour drive one way.

¹² Some of the tribes run their own Temporary Assistance for Needy Families (TANF) programs under agreements between each tribe and the U.S. Department of Health and Human Services' Administration for Children and Families. The Chippewa Cree Tribe has run their own TANF for many years. Others with more recent agreements are the Blackfeet, the Confederated Salish and Kootenai Tribes, and the Fort Belknap Tribes.

It is difficult for people to obtain a driver's license. The Tribal Court has a Do Not Drive list. The list is twelve or fourteen pages long growing constantly. As a condition to get off the list, you must obtain a valid driver's license. Many on the list have never had a license. It's a tough exam for those who don't read or don't read well. If you're caught driving and you're on the list, you're charged with a Class A misdemeanor, which can mean spending up to 90 days in jail. The sentence is usually less than 90 days and they usually bond out of jail. Fort Peck should pass the law Rocky Boy's did, which is to accept a Tribal ID as a valid driver's license. Law enforcement opposes this and says that driving is not a right.

Public transportation is limited. In Missoula, they are progressive in that public transportation is free, but the routes are limited. For example, they don't reach the largest medical complexes. They only run once an hour. It's free, but isn't used because it's not robust enough.

At Fort Belknap, we do have the transit bus, but they only run on a certain schedule that not everyone is aware of. Individuals can't get from community to community. Sometimes it is hard for people to get to court or to other services because of lack of transport. This limits how we are able to provide services. We have community health representatives who transport people to medical appointments but we have an excessive number of people with health problems, so the waits can be excessive.

Lack of wills. When Native Americans who have trust land die without a will, the trust land becomes fractionated, and in rare instances, may even pass to the Tribe. This drains the wealth of Native American families. Often, even when Native Americans have wills, the validity of the will is questioned. *The issue becomes the question of validity. A will goes into probate and the proceedings drag on for years, and years, and years in the BIA. People often go through the probate process themselves.*

Many people don't do wills. The wills that are done are sometimes not up to the standards of the BIA. The BIA probate department is backlogged for years on cases trying to determine the validity of wills.

People are passing away without wills and their land goes to the Tribe. People don't think it's important to draft wills until it is too late. Often times, the wills that are written are "silent," meaning they don't say how the land will pass to joint holder. When a will is silent, land passes as joint tenants with right of survivorship, which a lot of people don't want. This caused a lot of confusion and anger during the Land Buy Back program.

There are issues with probate and not knowing what the next steps are once a tribal member passes away. It is difficult for people to navigate and understand the three different possible probate processes. Attorneys are not willing to represent people because filing a probate in three different court systems is time intensive. Many people get frustrated and forfeit their inheritance because the process hasn't seemed worth it.

Lots of people don't write wills. Often, people don't want to write wills because they don't want to leave anyone out.

Some tribes employ people who write wills for free. The BIA also offers this service. But it's like a hidden secret, if you don't go seek it out, it's not in front of you.

Probates of wills can become very heated. There are issues with land structures. BIA can't probate the fee land. BIA used to have ladies who wrote wills and stored them at the BIA. Now it's not offered. I've seen them offering training. There are people who do wills but I don't trust them to understand because they are white people (private attorneys).

Additional Issues and Consequences Related to Not Having Wills or Contesting Wills

People don't understand land ownership, trust land, etc. People can't find their deeds. People don't understand how to transfer wealth. Probates cause a lot of friction between the families and property sits vacant or unusable because people are fighting it out in court. People are arguing facts that aren't relevant and it holds things up. People can't afford the fee for notice in the paper. The code lays out what happens when someone dies without a will, but people don't agree with it. Homes are destroyed while the case just sits there. People don't understand why decisions were made the way they were.

When people don't have their wills taken care of before they pass away, it creates a huge family feud. It's a big drain on court funding, takes up a lot of resources.

People don't bring cases even when they should because they don't know how to bring a case and they give up. When they do come to court, it is highly contested and they bring twenty or more witnesses. The longer something goes on, the more you see people at other people's throats. Then, you have disorderly conduct, violence, and damage to the property at issue. People try to take things by force. The situation can go south pretty quickly. Self-represented people may have a good case, but don't know how to present it or bring in their evidence. That draws out the case, which increases the use of judicial resources and time. The judges aren't allowed to tell them what they should do.

Consequences of Poverty to Individuals and the Community

The consequences of poverty include many of the other most pressing issues identified in this report and are notably interrelated.

We're failing people. I just keep thinking of all those elders who are isolated and can't get assistance (because they don't have access to resources). All of these things are connected and can spiral and affect each other. Depression contributes to bad health. Stress affects domestic violence.

It's hard to build a life when you don't have the resources to own a home or a car and not be in debt.

Mental health issues. Living in poverty and not having a job takes a toll on many Native Americans' mental wellbeing.

Substance use issues. People turn to drugs and alcohol when they cannot take care of themselves or their families, including when they are unemployed.

Not having a job and pervasive poverty make substance abuse more prominent. It's big for people to do fire fighting for the summer but then when they go, they can't pass the drug test. It affects the whole community. Parents can't provide for their kids and can't pay rent or bills. Others have to help and this stresses public resources.

Generational trauma. Poverty perpetuates the cycle of generational trauma by continuing some parents' inability to care for their children.

Cannot focus on the future. When people live moment to moment and paycheck to paycheck, they are focused on basic needs and aren't able to look beyond that.

Lack of access to information and services. *People aren't aware of existing resources and they're missing out on a lot by not being aware. For example, access to on-line learning. K-12 is not getting educated now because of the pandemic.*

Those systems (for support services) are very complicated and require a lot of interpersonal communication. You often have to harass people to get somewhere, and many people don't have that skill set. My friends and I often end up being the liaisons. The state systems are very hard to navigate, intimidating, and unfriendly. Tribal ones are also hard to navigate. It inhibits the person's ability to make a positive change in their life. It feels very daunting and disrupts the process. For the long term rehabilitation of people who are addicted, they cannot find a pathway out. I've been on Medicaid two times. The second time I had a master's degree, and it was difficult for me to navigate that system and I pride myself on being good with those skills; I can't imagine someone without those skills navigating that system.

How to Address Poverty

Help meet basic needs. Native Americans need to be able to take care of themselves and their families in order to get out of poverty. The needs for housing and medical care, discussed extensively in this report, need to be addressed at a systemic level in order for many to be able to meet their basic needs.

We need a multi-tier approach. We need less restrictive housing and employment policies. There are very restrictive policies where you can't get housing authority housing if you have a drug charge. That creates multiple families in one housing unit under one family's name. A lot of the jobs available are in schools and the tribes are the largest employers. There is a restrictive employment policy that if you don't have a clean drug test, then you can't apply for another job with the tribes for six months or a year. It would be helpful to have a comprehensive case management system to foster interpersonal connection and support. People who understand the system and can help others navigate it and develop their skills.

Address insurance for medical debts, increase access to care, and make college free. There are a lot of barriers that pertain to resources.

We need resources, accountability, and consistency through licensure and ethics procedures for service providers.

Foster economic development and create jobs. Development to help bolster reservation economies was often mentioned. Most tribes need better infrastructure and laws, like a commercial code, to help foster economic development. Improvements in court systems and codes would help give stability and security to lenders and businesses that want to invest on the reservation. **MLSA could help by providing assistance with codes and trainings.**

Since most lenders will not give loans on the reservations, tribes need to develop their own lending institutions. Fort Belknap is developing tribal Community Development Financial Institutions (CDFIs); one for business development and one for mortgage lending. The Fort Peck tribe has a program which helps low-income people get on their feet by helping them apply for bank cards. *We have an independent bank that does a pretty good job.*

We need knowledgeable managers and directors who know how to make businesses successful. The college helps really small entrepreneurs, but nothing big. People get mini-grants but can't make it work. Everyone is shopping online now because of Covid-19, so small businesses can't make it. We need capital and knowledge. We have two markets; one is owned by the Tribe and the other is owned by a community

member. The one owned by the community member can't compete with the prices of the tribally-owned market.

Support employers and small business owners. The Native American Development Corporation (NADC), based in Billings, has an Entrepreneurship Center. They do financial literacy training to improve the credit of those who want to open a business. *The NADC also has tailored our programs to address the urban issues of employment, housing, and health and provides capital to the tribes and urban native initiatives, a for-profit component into NADC implemented for sustainability. People need help working with banks to get credit, to know more about contract law, and to make sure they understand the business structure options, e.g., sole proprietorships, etc. and the legal ramifications of those options.*

Employers should create incentives to keep people around. A lot of people who work for the Tribe do better and have less substance abuse issues. Build a person up and listen to them to keep employees.

Provide more education and job training. *Native Americans need the necessary skills and the necessary work ethic. The Rocky Mountain Tribal Leaders Council gives money to community colleges to give \$5000–\$10,000 to students who do a quick impact project, such as a health survey, to give them the income to stay in school. Some of the community colleges bring in Native Americans who graduated from community college and can relate to the problems the students have to be motivational speakers at the college.*

We need a trade school or something where younger people could go to get the skills needed to be welder, plumber, mechanic, or nurse's aid. We have a college, and they just now started a Commercial Driver's License class students can take in the last two to three years. We need stuff like that for young people.

*Youth should be given opportunities, through **summer youth programs**, to learn how to work.*

Provide more substance use services. As noted in the Health Section, there are not enough substance use services and facilities to help Native Americans deal with their substance use issues in order to be able to pass a drug test for employment.

Provide access to information. *We need **broadband** in Indian Country. Some schools give laptops, but the students need **a data plan**. You should deliver the information to them. You need to be creative in how you serve these parts of the reservation.*

Provide assistance with bankruptcy, deceptive sales practices, and taxes. These were mentioned as issues by a few interviewees.

Provide more assistance with wills and probate. Native Americans need people to draft wills and educate them on the probate process. *They need self-help resources, checklists, and forms that are available online so they get at least some free guidance.*

They need more help with creating wills, more legal resources for litigating at court, and more funding for the court to handle these cases.

MLSA should increase awareness of its services and develop educational pamphlets about wills, dying without a will, and the probate process.

Family

Family issues other than domestic violence were identified by a few interviewees as one of the top three most pressing issues. Family issues were also identified when some interviewees were asked to identify the most pressing issues for Children/Youth or Parents. Some interviewees also provided comments when they were asked to rate how common they thought specific family issues are for low-income Native Americans. The ratings of how common specific Family issues are for low-income Native Americans in Montana are in Table 6 in Appendix 1.

One of the Top Three Most Pressing Issues

Statewide. *A most pressing issue is **inconsistent family or social connections or bonding**. I grew up in a small community where people looked out for each other. That's lacking now. Culture and spirituality are tied in. I grew up with mom and dad divorced, but I had a strict grandmother, so we had rules and structure. Then I lived with Dad, and he provided a different structure. When I got in trouble—lost a job, went to jail, got kicked out of a house—I had family that supported me, and a sweat lodge, and had an uncle and cousins that helped me get back on track. Now my friends and I give each other a good perspective. In contrast, a cousin I grew up with had an abusive mom. He learned to fight other kids to make himself feel better. He would get jobs and lose them, he had a house and lost it, and had health concerns. Family and cultural support give you a greater chance of success.*

How to address: *It was all there if you wanted it. Some families support other children. But the cultural support is decreasing. If you're not in a family that does it all the time, it doesn't take hold. Role models are there. I went to Elmo on the Flathead Reservation recently and saw nurses watching NFL with kids. **We need more role models, more structures, and more resources to go on trips**. My family used to go camping. We went to Canada and picked berries. Now everybody's so busy because they have to have multiple jobs and they're tired.*

Blackfeet. *A most pressing issue is **grandparents raising their grandchildren** due to substance abuse and other issues with biological parents. There are **a lot of resulting custody concerns** in terms of grandparents' rights and also in terms of **providing services to the children when the custodial parent isn't around to sign off on the services**.*

How to address: *Information and support for the grandparents and youth. **MLSA could provide information for grandparents about their rights in the court system**.*

Fort Belknap. *A most pressing issue is **the lack of representation in dependent neglect/Indian Child Welfare (ICWA) cases**. Parents and children are unaware of their legal rights and options, which hinders the family reunification process.*

How to address: *We need parent advocates and guardians ad litem. **MLSA could either serve as the parent advocate or guardian ad litem, or conduct trainings and develop outreach materials so that individuals know their rights and options**.*

Fort Peck. *A most pressing issue is **children being removed from their homes**. We have social problems that stem from poverty, including drugs and alcohol use. Children are then put into foster homes. It might not even be the caregiver that has drug and alcohol issues, but another member of the home.*

How to address: *Education about what parent's rights are when their children have been removed. It would be really nice if there was an advocate, like a family advocacy group, to step in to help them.*

Rocky Boy's. *A most pressing issue is children getting into trouble with the law or have attendance problems and being removed from their homes and entering into the system or living with grandparents.*

How to address: *Need legal advocates and a consistent presence at the court to assist people. MLSA could provide the legal assistance.*

Children/Youth and Parents

Blackfeet. *Everything involved that results in children being under the care of their grandparents impacts their social and emotional health. It is hard to provide youth with services if they are not in the custody of their legal guardian. There is a caretaker affidavit that anyone a child lives with can sign in front of a notary that helps us to serve students within the schools.*

Butte. *Native American youth who are aging out of foster care lack necessary supports. They then have poorer outcomes in terms of accessing jobs, securing housing, and having their health conditions treated. They need to be engaged in prevention activities and wellness activities or often times they end up homeless and have complications from opioid and meth use.*

Fort Peck. *Understanding rights as parents and being empowered to make decisions that are in the best interest of our children is critical. We are being strong armed into making decisions around school with Covid-19. Lots of parents are advocating for their rights to keep their kids home, and they need access to information to make and support decisions. I wanted to reach out for help, but didn't know where to turn.*

Northern Cheyenne. *Parents don't have access to advocates or attorneys when there is a dependency or neglect action.*

Rocky Boy's. *We need to make sure parents care for their children. Sometimes they think the school or the criminal justice system should. (Question: Is this related to grandparents being brought up in boarding school and not knowing how to parent?) Yes. Before boarding schools, they had a system for how to raise children and how to be a family. Now they pass the trauma on and a lot of people are mistreated.*

Divorce, Child Custody, Visitation, Child Support, Grandparents' Rights, and ICWA

Some interviewees who rated how common it is for people to have problems with various family issues provided comments to elaborate on their ratings.

Statewide.

♦ *Native individuals have a hard time getting divorces in both state and tribal court systems. Parties are filing in different jurisdictions and neither court is making a determination of where the case should be heard, or checking to see if there are simultaneous and or conflicting hearings and orders being issued by other courts. People end up with multiple court orders and are unable to really get either enforced. I would like to see a statewide clearinghouse like there is for orders of protection so that there is a place where courts can go to check if there is already a case filed in another jurisdiction.*

♦ *Montana has a disproportionately high number of Native children in the child and family services system and in the foster care system. A lot of counties are ill-equipped and sometimes unwilling to follow the Indian Child Welfare Act (ICWA) as it is a lot more work and there are many more steps that need to*

be taken. There is a *need to educate people at all levels of the issue: child and family services workers, attorneys, judges, families, community members, etc.*

Blackfeet.

- ♦ *Visitation issues are VERY prevalent with the Covid-19 stay-at-home order. People don't know what to do.*
- ♦ *Certain weeks are very big for ICWA. The state often sends a bunch of cases over in one week. Money is a big thing.*
- ♦ *We have a grandparent's law where they can ask for visitation, but it can make the case more contentious.*

Crow.

- ♦ *Crow culture is to not fight over kids, but you see it all the time.*
- ♦ *People generally adhere to visitation once they have it set through a parenting plan.*
- ♦ *Crow doesn't have its own Child Support Enforcement Division (CSED) office. When people go to tribal court, sometimes the court orders the child support order directly, but sometimes it order parties to go through the state CSED. It would be a lot easier to send to these cases to the state but it may reflect poorly on the Tribe.*
- ♦ *ICWA cases are common because about half of Crow tribal members live off-reservation.*
- ♦ *Grandparents' rights issues are very common and we don't have any grandparents' rights laws.*

Fort Belknap.

- ♦ *Our child support department is fairly active. They are on it, get their cases heard, and go after either party. It's pretty well taken care of. I think there is a lack of resources for the respondent in a child support case. Some people just don't work or don't have a job and they're coming after everything they have.*
- ♦ *ICWA issues are more common when families reside outside the boundaries of the reservation.*
- ♦ *ICWA is being addressed but still has a long way to go.*
- ♦ *Grandparents want to have a say, we have grandparents' rights in our code. But once grandparents get involved cases become exponentially more complicated.*

Other Family Issues

Some interviewees who rated how common it is for people to have problems with various family issues identified other family issues they think are somewhat common or very common for Native Americans.

Crow.

- ♦ *Adoption issues are common.*
- ♦ *We're seeing a lot more care and dependency cases have gone up. Also, there are less social workers in our area. We have tribal social workers but it's a political appointment, so if you aren't in the right clique, you get let go. BIA Social Services seems to have a high rate of turnover, they need more people.*

Fort Belknap.

- ♦ *The code recognizing same sex relationships is a big issue that needs to be addressed. Recognition of same sex relationships is common practice for dissolution and custody, but it isn't explicit in the code.*
- ♦ *Guardianships over adults or minors are common.*
- ♦ *More understanding and education is needed. What happens during a domestic violence dispute? What happens when authorities and kids are involved? There's so much confusion. People need education about foster licenses.*

Fort Peck. *Child dependency adoptions and customary adoptions are common. That's a huge area where we have a lot of parents who need legal assistance. Public defenders were allowed to take those cases and they had a LOT of people apply but they've only been able to assist a handful because of the volume of criminal cases. The public defenders only take the dependency/neglect cases when they have the availability, and they never do. The judges wish everyone could have an attorney in dependency/neglect cases.*

Education

Only one interviewee specifically identified an educational issue—education equity—as a most pressing issue. However, when others were asked to rate how common having problems in specific Education areas were, the Quality of a Child's Education was rated by most as a specific area where problems are very common. Other Education issues, described below, were identified also as being somewhat or very common. The ratings of how common specific Education issues are for low-income Native Americans in Montana are in Table 4 in Appendix 1.

Many educational issues were identified when interviewees were asked about the most pressing issues for Children/Youth.

The Quality of the Education

Throughout the state, our children don't get the education they need. We did get funding for Indian Education for All throughout the state, but it wasn't enough to create change. All of our education systems throughout Montana need to be changed. The school systems on or near reservations are the lowest performing in the entire state.

We need better and more supportive education. We need to give young people a sense of hope and look internally to retain traditional culture in a modern society.

Education quality was also described when discussing **Native American students' lack of preparation for college.**

Access to and Engagement in School

Statewide.

♦ *Access to a quality education is a most pressing issue for Children/Youth. The quality of education impacts their ability to graduate high school. Are they able to access college? Can they afford college and are they able to apply? There needs to be access to mental health resources. One of the leading causes of death is suicide. Those mental health professionals with don't exist in rural areas or people can't afford them. We need to make sure kids have access to food, homes, etc. If their parents are struggling and have addictions, that can make it **hard to succeed in school if kids don't have a stable home life.***

♦ *Socioeconomic issues are impacting education. People are having issues with access to technology. Parents and grandparents may not be able to help children with technology. People are having problems with working and learning remotely.*

Blackfeet.

♦ *It is **always difficult to keep the students engaged, especially the students with higher barriers to access.***

♦ *The geographic layout of the community doesn't serve the needs of community. There is one central cell tower in Browning. When everyone had to work from home, students didn't have adequate access to the internet to complete their schoolwork. Kids were having the usual trouble with classwork but then also were having trouble accessing the technology to access the help with their classwork that they needed.*

Flathead. *I am starting to see that students have begun to teach themselves, especially during the pandemic. Everything is either virtual, online at your own pace, or hybrid for the college. At the high school, students have started to check out. They are tired of teaching themselves from home, and many have decided to take a break from schooling to work and to think about what they'd like to do. A lot of people test out instead of finishing. Educators have been more lenient and willing to be understanding with students in terms of work and deadlines but are beginning to set boundaries again as things start to go back to normal.*

Fort Belknap. *Right now (September 2020), access to education and just getting an education is a most pressing issue for Children/Youth.*

Fort Peck.

♦ *We are social people. The children miss the connection of being able to do things like school and pow-wows.*

♦ *With Covid-19 there are issues with kids not doing their work, schools have started to count this missing work as unexcused absences.*

♦ *Parents aren't able to give children the extra help they need. This week, Brockton went back to five days a week in-person instruction and that upset a lot of people who are trying to stay safe. They may be living with someone who has a compromised immune system. The schools depend on the parents to do whatever the school will be doing. It's not all the parents not helping but some. Parents may have been badly abused in boarding schools.*

♦ *People don't value education, even in normal times, and that is the way to success. People with an education know that missing education for children right now is a huge issue. Uneducated people don't realize it.*

Rocky Boy's. *Kids' access to education is an issue. The pandemic made it worse, but even before pandemic, we were sending our kids to school and it was like the kids weren't able to focus because they were hungry or tired or focused on something else. Teachers spend more time re-directing the kids than educating the kids. During the pandemic, they are doing distanced learning, which requires a lot of parental supervision, and if parents or grandparents don't understand the technology, then kids aren't getting what they need.*

Special Education

Statewide.

♦ *It's a double edged sword with disabilities. Native students are identified as having disability when they don't have one, but if they do have a disability, they don't get the Individual Education Programs (IEPs) that they should.*

♦ *Special education and learning disabilities rates are highest for tribal children in the state. I think a lot has to do with language. Some of our tribal students are English as a Second Language. Even if they don't fluently speak their tribal language, they are exposed to the tribal language a lot. In addition, tribal members and tribal communities often have their own dialect and way of speaking, similar to how people in the south have an accent. That can be unique to each tribal community, and you can tell where someone is from based on their dialect. Sometimes teachers consider tribal students who speak with a dialect to be lesser. I believe teachers need more education on English as a Second Language. They may identify*

what is just a language issue as a learning disability. Also, lots of disabilities are from alcohol and drugs. There is lots of trauma and death which can be part of special needs kids too.

Fort Peck. *(With Covid-19) there is not a lot of help around special education or learning disabilities with the remote learning.*

Discipline/Suspension/Drop-Out

The American Civil Liberties Union (ACLU) published a report in December 2019 that included the finding that Native American students are disproportionately pushed out of schools in Montana due to disparities in discipline. During the 2015/2016 school year, the study found that Native American students lost nearly six times the number of instruction days due to suspensions as white students. They also were arrested more than six times as often as white students. The report, *Empty Desks: Discipline & Policing in Montana's Public Schools*, details the discipline disparities that occur even though Native Americans students do not misbehave at higher rates.

One of the authors who was interviewed was asked about other related issues that could cause the higher drop-out rate: *Other factors could be a lack of family and community support, family distrust of the school system, high rate of students living with grandparents with lots of grandchildren, and the lack of positive support for student achievement either because they don't trust or are too busy or neglectful. Also, they over-test American Indian students. There is testing fatigue and implicit bias; the testing is not relevant and not measuring accurately.*

In 2019, the four-year graduation rate of Native Americans in Montana was 78.6%, which is significantly lower than the 92.4% four-year graduation rate of non-Native Americans.

Comments from other interviewees about the issues of discipline, suspension, and the higher drop-out rate:

Statewide.

♦ *There are different graduation requirements in schools on the reservation. The state requires twenty credits. Reservation schools require 23 or 24. The higher requirements are tied to career and college readiness. The Office of Public Instruction is asking to have a two-track system, where twenty credits would be enough for someone who doesn't want to go to college, but there may be a need for higher expectations because the teachers are not as good.*

♦ *Dropout rates are still high but are slowly going down. We need to incorporate culture with schooling and focus on reducing punitive measures. Don't lock them up, heal them up.*

♦ *Some of this is due to the lack of cultural competency of teachers and administrators. We need Native Americans in these roles. We need community healing and community resources to support education. Some discipline is in response to children acting out because of hunger or mental health issues; there is tremendous over-policing.*

Blackfeet. *Students of color are disciplined and expelled at a higher rate than white students. Schools have sentencing irregularities within themselves based on people who are "good" kids and people who are "bad" kids. We need to change policies; we can't just adhere to western standard of compliance. We need to teach culture, values, and history in context. We need to work to become safe and trauma-informed school.*

Northern Cheyenne.

♦ *About 50% of Northern Cheyenne children are not in school. That is when they commit crimes, when they are not in school. There is no support or services for getting them back into school or programs or getting their General Education Diploma (GED). People cannot get jobs with the Tribe*

*unless they have a high school degree or GED at a minimum. When they are dropping out, they get pregnant, then they're on welfare for the rest of their lives. **The issue is the cycles of trauma, poverty, and addiction. I believe education is the way out, but we need more support for schooling for students to keep them from dropping out.** It almost makes you angry. It affects every single family in our community.*

♦ *Children in school will have a fight or flight response, and it's usually fight, and then they get kicked out or experience other punishing consequences. The teachers don't understand our children. Tribal children have the highest expulsion rate in the state of Montana.*

♦ *Kids might be absent for a funeral but marked absent and shouldn't be.*

Rocky Boy's. *When schools don't know what to do, they keep getting more rigid.*

How to Address Education Issues

The American Civil Liberties Union (ACLU) of Montana, after visiting with Indigenous community members and tribal leaders across the state in 2016, found that Educational Equity is a top priority of the communities. The ACLU of Montana set Educational Equity of Indigenous people as one of its priorities with three goals to accomplish it:

- **End the use of exclusionary discipline in schools and instead implement restorative justice models** to resolve conflicts and to build healthy relationships between educators and students.
- **Ensure that culturally relevant programming and curriculum are implemented** in all of Montana's public schools.
- **Ensure that all students with disabilities have access to high-quality programming** that provides appropriate learning opportunities with a focus on successful student outcomes.

RACIAL JUSTICE AND OTHER DISCRIMINATION

Most interviewees were asked, **What do you see as the most pressing racial justice issue for Native Americans (in Montana) or (for members of your tribe)?** Some also were asked a follow-up question about how they thought the issue could be addressed.

After one interview, the interviewer noted *the most striking part of this conversation was that the interviewee was reluctant to say racial discrimination in employment is "very common," because although they experienced it at every job, it wasn't from every single person at every job. I think that's very telling of just how commonplace racism towards Native people is. It's not even viewed as an issue unless it's extreme.*

On the other hand, one interviewee responded in this way, *What do you mean by that? Wow, that's almost everything. I don't know how to narrow it down. We see it in jobs, in everything. They put all Natives into one group and give that same impression about all Natives they meet. It's so blatant.*

Most Pressing Racial Justice Issues

Statewide.

♦ *Implicit or explicit bias which are in all the systems, including education, prisons, etc. All of these systems that we have to live under don't fit us. You can't maneuver within the systems. Non-Natives don't realize they have privilege. I have to work twice as hard to be seen as smart or to sit at the front of*

the table without someone sitting by me. It's the same thing for my husband. He's an (elected state official). You have to work so much harder to be taken seriously or have your voice heard or have a place at the table.

♦ *There is general racism against Native Americans with all the stereotypes. In housing in Billings, here's how some of it happens: You have a job with the Tribe. When there is a change in administration, your job may be at risk. Landlords don't trust your employment, so they won't rent to you. Relatives will show up and stay. There is a stereotype about Indians being mobile—moving back and forth between the reservation and city. Landlords won't rent to them. In Billings, homeless Native Americans tend to be on the street. There's bias then prejudice just based on the color of their skin. That will always be with us.*

♦ *What is happening in schools: native students are disciplined at higher rates and being pushed out of schools. That is part of the school to prison pipeline. It's not a coincidence and it has lifelong consequences and harms. There are huge academic achievement gaps that we really need to address by thinking critically about how we support students in classroom settings.*

How to address: *I see providing education and spaces for Native students to thrive as a big solution to a lot of problems. We do have laws that support Indian Education for All, but it's not always being implemented appropriately. And we certainly do have the tools. The American Civil Liberties Union put out a report last year about discrimination in Montana schools. The report had a lot of ideas and suggestions for how to change that. We have a lot of tools to get to a more equitable place.*

♦ *Housing. I have heard of Native individuals having a difficult time finding housing in off-reservation towns like Havre.*

♦ *The criminal justice system gives harsher sentences for Native individuals in state/federal court.*

♦ *Over-policing of the Native American communities. People are profiled. If you're poor and under-educated you can't afford bail and subject to second-class justice. People are torn from the community and missing from their family. Over-policing leads to the disappearance of us from the communities.*

♦ *The court system, accessing an attorney, judges making different decisions for similar clients. Minorities get longer sentences. There's inequality all the time at the Board of Parole.*

♦ *The disproportionate representation of Natives among low-income people, in school disciplinary proceedings, in incarceration. The Missing and Murdered Women epidemic. Federal Indian law has been unexamined. All of these things are based on racism. We need to re-Indigenize land—how can those ties be restored in a meaningful way? It's a product of imperialism.*

♦ *It's a tricky one. The huge issue is the over-incarceration of Indian people. Also Indian Education for All. Schools (on and off the reservations) are providing only the education required. They do a poor job of recognizing the role tribal people played in the history of this country. Most people have no clue about tribal sovereignty.*

♦ *An inclusive narrative and education about the history of tribal nations in Montana, especially in relation to disputes over water/land rights and natural resources. People aren't educated about sovereignty and treaty rights, and this leads to a lot of resentment.*

How to address: *Increased education.*

♦ *There are a lot of instances of discrimination from institutions. People don't have the tools to know how to approach or remedy this discrimination. My family was told by the Wingate Hotel recently that they would not serve us because our father is from Browning, and there was a stay-at-home order.*

How to address: *We are working with the Human Rights Bureau and our tribal attorneys, but lots of people don't have access to those resources. When I worked with the Senator's office, we saw those issues a lot and people don't necessarily always have those resources. I found it fascinating when I left Montana that there is such a lack of awareness of where Native people exist, even in*

Montana. There is a knowledge gap. I think general education is a big deal. It took me leaving Montana to learn a working language of institutional racism and racial equity. Those are all critical conversations that I do see happening somewhat through better education efforts.

Blackfeet.

- ♦ *There's discrimination in **policing**.*
- ♦ *There are a ton of Blackfeet members living in Cut Bank. There is **injustice in the courts** there. "You're Indian so this is what we are going to do." It's become more prevalent after Trump. **I've seen more racism off-reservation than I did growing up. Blaming tribal members for things they didn't do. Racism towards youth.** Instead of "Lady Indians" they are called "Lazy Indians." "F the Indians" signs. In places other than Cut Bank, kids asking ignorant questions. Do you live in teepees? Do you have TVs? **We have experienced stereotypes all over the world.** I get watched in stores because they are picking me out. Sometimes Blackfeet members are very rude and then people perceive all Blackfeet members as rude. **Stereotypes are very prevalent and cause misinformation.***

How to address: *I don't know that anything can be done. People need to educate themselves and not be ignorant. Having to teach my girls and my basketball players to watch who they talk to. It's a Missing and Murdered Indigenous Women's issue. We are forced to teach our girls not to talk to strangers.*

Crow.

- ♦ *Generalized discrimination of non-Indians against tribal people. It can be something as small as people being afraid for no reason around tribal people. A perception that tribal members are going to steal from you or hurt you. I personally have had old ladies scream when they see me come around a corner. I understand that I'm a tall man, but I think it is more about being brown. There is also **racial profiling in police**, being pulled over for no reason.*

How to address: *The society that surrounds tribal communities needs to do a better job educating themselves. This is not a blanket statement, there are a lot of non-Indians who treat us like people, but many don't. **It seems to be generational. It's been improving.** There are young people with racial biases for sure, but much more so with older generations. Maybe it's just a matter of time. **There is always going to be tension around land ownership.** White landowners on the reservation feel they are free from state or tribal regulation. They think people are trying to take their land. They try to keep Native people off their land when you have a treaty right to hunt there. People believe that Native people don't know how to hunt safely, but that's not the case at all. Most Native people are excellent hunters and have been long time hunters. My dad taught me the practice to go to the house and let people know you will be hunting. Everyone knows not to shoot towards the house, livestock. Still non-Indians will stand outside their home and be menacing with their guns.*

- ♦ *Because we live in a border town, I know people have problems when they are going to buy a car or apply for a job in Hardin. It affects them. People own trust land and there was a time when people didn't have any help or didn't speak English so they got very bad leases for their land. They lost opportunities for money. It is still a problem today that people have bad leases on their trust land or don't understand their leases. My grandfather was an avid reader and did speak English, but it was the mindset that you must sign this or you will not get any lease on your land, but really it's the other way around. Ranchers won't have access to the land if the tribal members won't sign leases, so the tribal members actually have bargaining power. We have **jurisdictional issues regarding our police and getting services** with Big Horn County. There are **major issues regarding investigations and major incidents that happen in Hardin, such as Missing and Murdered Indigenous Women.** We have a lot that is swept under the rug. No one gets charged. **I don't know if that's an issue with prejudice. The assailants may be Native also, but nothing happens if the crime happens in Hardin or surrounding communities.***

How to address: *We need more victim advocates. Someone to help navigate what services are available: counseling, protective orders, getting notifications of updates to cases, and navigating the legal system. There are people for federal crimes, but we don't have anything at the tribal or local level.*

Fort Belknap.

♦ *If you're talking about racial justice as a people, there are issues of sovereignty and giving us sovereignty over our land. Give back actual sovereignty. As far as discrimination, the targeting of Native women and the appropriation of Native women is an issue. Of course, domestic violence is the largest issue, but a lady at Social Services said there is a huge sexual trafficking issue. Non-Indian people traffic on the reservation and only the federal government can prosecute. The federal government doesn't prosecute 67% of the cases. That's why the Violence Against Women Act and the Tribal Law and Order Act are so important. They have to at least report the percentage of prosecution.*

♦ *I've heard of people being sentenced more harshly in state and federal court, seemingly because of their race and background.*

How to address: *It would help for organizations at the state and local level to recognize that systemic racism is real.*

♦ *The federal system itself has failed tribal governments over the years. They come in and do their damndest to send people to prison for years and trample all over their rights. I've seen a lot of people's lives ruined. They question people in one-on-one settings and threaten them so they can't battle it. Most people won't fight federal charges. The attorneys, especially prosecutors, are trained to bully people.*

How to address: *Hire more Native attorneys in those positions, both federally and at the state level.*

♦ *Harlem is only three miles away, but it's referred to as "crossing the river." The legal system is completely different, so there's huge misunderstandings and a huge distrust of law enforcement. There's also a lot of racial distrust which has increased. There was a huge fight in Blaine County when they were deciding whether to have the county fair. The tribes wrote a letter asking them not to hold it because of Covid-19. The people of Harlem got really mad and said, "You've had your sun dances." They don't understand the culture. There's a lack of understanding on both sides.*

♦ *The biggest racial justice issue is how racial discrimination manifests in poverty. It is a loop of lacking access to resources.*

♦ *Knowing what resources are out there is the issue. Where can people go when they believe they are being discriminated against? I refer them to the National Conference of American Indians. They have to go bigger than just one of our lay advocates here.*

How to address: *MLSA needs to have more of a presence. It seemed very effective in the community having a resource, someone to talk to who had legal training and the right mind frame. They don't know families, aren't judging people, and aren't having an emotional reaction. Also, we need funding for a public defender. We only have lay advocates. There just aren't enough resources.*

Havre. *I see a lot of stereotypes such as being treated differently by police; being questioned more and arrested more.*

Fort Peck.

♦ **Education discipline and expulsion.** *There's a lot of racial discrimination in the school system. Once they're expelled, they are automatically dropped by the school. Nobody tracks or monitors them. Only the court checks in. For example, a girl was absent because she tried to die by suicide. I drove her to Billings to try to get her help. They did the intake but had no beds for in-patient services. The school marked her absent and she was put on the truancy list. She has mental health issues, but the school is not trying to accommodate her. No one is advocating for her.*

♦ **Bigger issue is your income status. This is a big issue nationally. It's so crazy that I can relate national social justice issues to the tribal court.** *I'm sure people are biased among certain classes of Natives on our reservation. People look at the wealth of a person a lot. If you have money, you have a lot of advantages in legal system. You have presence and influence. You can't necessarily buy your way out of trouble, but it's an advantage.*

How to address: *Educating people who work in our justice system, law enforcement officers, corrections officers, and judges and keeping them mindful of the work you are doing and why you are doing it. We need access to justice across the board. For Violence Against Women Act jurisdiction we had to give any non-Native who was charged with domestic violence an attorney but not for Native defendants faced with the same charge. We then changed the law so that everyone gets someone representing with those charges.*

♦ **One of the issues since I got out of the military, is that people to the east and west of the reservation tell people not to stop on the reservations when they are driving through. A lot of tribal members go to Glasgow to spend money.** *A guy there had a Ku Klux Klan costume on at Halloween.*

How to address: *I try to go to those communities unannounced and introduce myself. I've walked into a supper club and people move to the other side of the bar. My friend who is white and I go into the same store, I'm constantly followed around and asked if I need help. I tell them I'm not going to steal anything. He doesn't get asked the same thing. I have met (non-Native) people who have taken racial concerns and they try to bring it to the forefront of our community and have said we can't treat our neighbors like this in Glasgow or other surrounding communities.*

Rocky Boy's.

♦ **A lot of people think they are racially profiled in restaurants or stores in Havre.**
♦ **There's discrimination in housing off the reservations.**
♦ **Sex trafficking and the deaths of indigenous women** *is probably more severe than we know. It's underground.*

How to address: *There has been some publicity and media. The Department of Justice and the state are working on it, but they need more funding. Sometimes it's a federal issue. How do you infiltrate it? There's probably not many Native American undercover FBI agents. It's very difficult to do in closed communities.*

♦ **Criminal justice.** *I was just reading last week about a non-Native couple from Big Sandy who got a sentence in a federal case for meth of four years and seven months. When tribal members get sentences, it's seven years for the same offense. The non-Native couple had more meth. The percentage of people in jails or prisons who are Native is between twenty percent and 30%. I used to be on the Montana Board of Crime Control, we did a study that found disproportionate incidents of minority contact with the criminal justice system. Researcher went to every county that received funding and asked why. We could tell they were racist, just from their responses. I know when tribal members go to an event in the city, state fair or concert, and are picked up on charges, they are not released to bond. They sit in the jails for a very long*

time. The study found that we need more advocates to help and more collaboration with the tribes to help them get to the court.

How to address: *Politics.* Some states, especially Republican states, are just racist. They're white supremacists. Are they raised that way? Why would Trump de-fund racial sensitivity training?

Racial Discrimination

A few interviewees were asked to rate how common they think the problem of racial discrimination against Native Americans by specific institutions and persons in authority is. The ratings are in Table 12 in Appendix 1. Some interviewees commented on their ratings:

By School Administrators or Teachers.

- ♦ **Statewide.** *Discrimination is also common in higher education.*
- ♦ **Rocky Boy's.** *We have two Native American administrators (on and off), so no. But I can't say the same about all of the teachers. **Non-Natives come to the reservations and treat the children very badly.***

By the Police.

- ♦ **Blackfeet.** *I know people who have had **bad encounters with police because they weren't polite.***
- ♦ **Blackfeet.** ***Students feel discrimination more when they leave the reservation,** especially in the treatment by law enforcement off the reservation. In more recent years, I have heard racist comments while traveling with students for sports.*
- ♦ **Rocky Boy's.** *We have a Native American police force, so there's no racial bias, but there is **discrimination against the poor.***

By Public Housing Authorities.

- ♦ **Statewide.** *On-reservation, Housing and Urban Development (HUD) housing in "Indian town." There it is **a fear of the federal government.***
- ♦ **Blackfeet.** ***My experience with housing authorities has been good.***
- ♦ **Rocky Boy's.** ***We have our own Tribal Housing Authority. It's the level of poverty people are discriminated against on, not their race.***

By Private Landlords.

- ♦ **Statewide.** *In **housing off-reservation,** landlords charge an application fee knowing the applicant won't get the housing due to their criminal background.*
- ♦ **Rocky Boy's.** ***There are none on the reservation.** Families or heads of households are assigned a homesite; they can either live there or lease it. My **daughter lived in Havre and had a hard time with every one of her landlords.***

By Government Benefits Personnel.

- ♦ **Blackfeet.** *We experience **discrimination from the Department of Health and Human Services in Missoula.***

By Medical Providers.

- ♦ **Blackfeet.** *At the **IHS,** they **treat everyone** that goes in **as if they are addicts** just trying to get pain medication. I was shocked at the high quality of care I received off the reservation.*
- ♦ **Rocky Boy's.** *Because an individual had some back problems, he went to Havre. They gave him pills and wouldn't refer out. **He was looked at as an addict because he's Native American,** thinking he was a pill seeker.*

By Employers.

- ♦ **Rocky Boy's.** *Yes, but it's against non-Natives. They would not get hired. My daughter, who is Native, won't get job in Havre. There is discrimination both ways.*

Other Types of Discrimination

A few interviewees were asked to rate how common they think the problem of discrimination against certain groups of Native Americans is. The ratings are in Table 10 in Appendix 1. Some of the interviewees commented on their ratings:

Discrimination based on Gender.

- ♦ **Statewide.** *There's more discrimination against women in criminal justice. There's more discrimination against men in employment.*
- ♦ **Fort Belknap.** *It's difficult in my Tribe, because we have clear gender roles for what men and what women do, so it's **hard for non-binary people** now. In Fort Peck, they were trying to pass an **anti-transgender law**. It's the same issue.*
- ♦ **Fort Belknap.** *Gender discrimination isn't that common, but I can think of a few issues in the past with employment.*
- ♦ **Rocky Boy's.** *A lot of people say it's a cultural thing and it's not, I've researched. **Native American women had a big role in the community, but that changed with boarding school and disrupting the family and ceremonies.***
- ♦ **Rocky Boy's.** *There is a belief that women don't belong in office. The first woman ever elected to the Council was elected four years ago.*

Discrimination based on Sexual Orientation.

- ♦ **Blackfeet.** *There is **a profound lack of tolerance for and education in the community** on LGBTQ people. A lot of **LGBTQ students end up at the alternative high school** because they are bullied by students and not supported by the adults.*
- ♦ **Blackfeet.** ***Two spirit and LGBTQ youth are at a higher risk of becoming homeless.** We need resources to support these individuals so they can claim their voice and know what their rights are.*
- ♦ **Fort Belknap.** ***Our code is silent on same sex marriage. There have been hate crimes.***
- ♦ **Rocky Boy's.** *There is a **high amount of discrimination against LGBTQ persons.***
- ♦ **Rocky Boy's.** ***I feel badly for some of our people who choose to never come out because of the ridicule and harassment they would get.** Before the white people came, they were the medicine men.*

Discrimination based on Disability.

- ♦ **Statewide.** *There's discrimination against people with **mental health issues.***
- ♦ **Flathead.** *There's discrimination against people with **mental illness especially.***
- ♦ **Rocky Boy's.** ***If there's someone with a disability, the Tribe will hire them even if they're not qualified. It goes both ways.***

Discrimination based on Income.

- ♦ **Fort Belknap.** *There are **some ways in which people are discriminated against for making too much and can't get into tribal housing.** I have experienced things like that. You can't get a house on the reservation unless you are low income.*
- ♦ **Rocky Boy's.** ***People can't afford bonds. Some can't afford clothing for their children and then other kids treat them badly.** Head lice is a big issue because they don't have a washing machine, detergent, or soap.*

Discrimination based on Criminal Record.

- ♦ **Fort Belknap.** ***People are able to hire people with criminal records.***

♦ **Rocky Boy's.** *If you're living in a home and have a drug charge, they evict the whole family because of the Department of Housing and Urban Development (HUD) guidelines that have to be followed. People with a criminal record can work for the Tribe, but it depends on the department. To work at the court, they look back one year for misdemeanors and three years for felonies.*

Other Discrimination. Interviewees who rated racial discrimination or other discrimination as common or very common in one of the two questions above were asked what other discrimination they see.

Statewide.

♦ *Non-Native individuals that come to work in reservation communities come in with a savior complex and leave once they are overwhelmed. Individuals don't take the time to listen and learn. Judgements based on appearances and stereotypes prevent Native people from receiving the same services and treatment.*

♦ *There's discrimination by private businesses and by fellow citizens.*

♦ *Racial discrimination shows itself in so many ways. It's hard to identify and navigate when it's happening at every turn. It's a real issue. There are big discrimination issues on-reservation as well, often against members of other tribes. It takes a different form when it's addressed through the tribal court versus when it's addressed elsewhere.*

♦ *There's up-charging. Judges in civil and criminal cases have biases against tribal members.*

Blackfeet. *People haven't been treated well within government systems because they don't have the skills to navigate the systems.*

Flathead. *There's no presumption of innocence; it has gone by the wayside. People are presumed guilty and punished with bonds that they can't pay. Basic civil rights in practice are not necessarily adhered to. A person may be in jail before they've been convicted of anything and they will lose their house, lose their job, and may lose their children. Even a mental health provider they were trying to get to provide treatment in the jail had bias and said, "there's a reason they're in jail."*

Fort Belknap.

♦ *On the reservation you have different individual rights, especially in criminal cases. Domestic violence offenders are not held accountable.*

♦ *Discrimination on-reservation is tribal or political or familial.*

Rocky Boy's.

♦ *People discriminate against each other. If you're not related to someone or you offend a certain family member, you may not get a house or a certain job. I took a job with the Tribe. Out of twenty people, five had a bachelor's degree. We (those with a degree) asked for a raise and didn't get it, but the people related to the supervisor got raises. There is favoritism. Tribal leaders get what they want. There is not a fair balance in jobs. Sexual abuse gets swept under the rug. School sexual abuse is happening, but councilmen are related to perpetrator so it's swept under the rug. If they have a big family, they get voted in.*

♦ *For the Tribe, there are lot of crabs in the buckets. If you are doing well, they won't let you out of the bucket. They keep pulling you back in.*

MOST PRESSING ISSUES FACING TRIBES AS ORGANIZATIONS

Many of the interviewees were asked what they see as the most pressing issue facing their tribe as an organization. Some also answered a follow-up question about what they think could be done to address this issue. Specific tribes are not identified in this section to protect privacy.

♦ *The need to ensure the Tribe recruits and retains qualified individuals so community assistance programs are more effective.*

♦ *I don't know where to begin. It's challenging. It's a loaded question. For our tribal laws, we need someone to keep them up with the times and continually update our tribal code in order to be fairer. This is where the issue of the lack of people experienced in Tribal Law comes in to play. Right now, we get by with just our in-house attorney, and they will come back with changes or recommendations to address issues.*

♦ *There's a need for written policies. An example is having nothing in writing for how to deal with disasters.*

How to address: *They are trying to write more policies now, like the criteria for opening up businesses during Covid-19, etc.*

♦ *We need sustainability in economic development plans. When the Tribe receives grants, they are often short term grants that the Tribe cannot administer because they are unable to fill the open positions. We need accountability for strategic plans; the plans are attainable but there is no accountability, so no meaningful action is taken. We need separation of powers, to separate the court system from the tribal councils. We also need constitutional and tribal court rewrites and updates. As an example, the code does not recognize same sex relationships, so domestic violence in these relationships is treated as simple assault.*

How to address: *We need to figure out a way to implement plans and hold people accountable. MLSA could assist with trainings for the court and the council on the separation of the court from the council and why that is important. MLSA could assist with bench books, code revisions etc.*

♦ *Individuals living on the reservations need legal representation and third parties to help nudge the tribes along. Many tribal members are eligible for loans but aren't granted them because the Tribe doesn't meet federal grant requirements. A lot of people aren't willing to challenge the tribes because they are worried about interfering with tribal sovereignty.*

How to address: *We need individuals to have access to legal representation on a case-by-case basis to try to write letters, etc. to get the tribes to change. A lot of times these individuals either don't want to do this or can't afford to do this.*

♦ *Terms for representatives are only two years. There's too much turnover in elected tribal leadership, so there's no continuity with legislation and goals. Once someone is elected, it's difficult to get them serving multiple terms with the current political climate.*

How to address: *Constitutional reform for the Tribe. That in itself is difficult because it's based upon a referendum vote, which requires twenty percent of the Tribe to consent and sometimes we don't even get twenty percent of the Tribe voting.*

♦ *If I can speak frankly, I think Covid-19 has shown that there is in plain sight racial discrimination in the multi-jurisdictional entities that serve tribal members. We have non-tribal entities that are working*

to minimize the Tribe's role in responding to and caring for Covid-19 cases among tribal members. There is politics layered into it. They have weakened the arm of the Tribe's ability to respond because of institutionalized racism. This is true in the hospital system as well. If you are an American Indian, you have likely experienced an adverse event related to a disease or health issue not taken seriously. Both in hospitals and at IHS. People are hesitant to address their health needs because of those experiences. They delay care. They are sometimes dismissed without receiving care. I have experienced it both personally and professionally. It isn't limited to Covid-19. The county public health department is doing what is needed, but the county attorney is not and will not enforce the laws. We have the schools inadvertently saying they are going to follow the advice of the county and not the Tribe. We don't have distanced learning. We don't have masks being enforced. We are still having the dialogue that it is just the flu even though people know people who have gotten sick and died. The state agencies don't see or experience the same magnitude of effects as the tribes do. If people say "just" 23 deaths, that's not "just" to us.

How to address: *There are some things happening already. The tribes have great attorneys who are exploring different avenues. There needs to be more education and empowerment around sovereignty. The tribes have been viewed in the past like we "belong" to the federal government. Like property. It's hard to empower others if they don't understand tribal sovereignty.*

♦ **Politics.** *Starting at the top with President Trump, the administration does affect Indian country and if we will be a priority or not. Case law is tough for us as a Tribe. We get worried about federal Indian law. Even if some other tribe completely different does something bad, it reflects badly on all of us.*

How to address: *Tribes should stay active in politics and maintain good relationships with county, state, and federal governments. We need to make sure we are putting our voice into legislation. We lobby and have attorneys that lobby, but our focus sometimes strays from the big picture. We need to educate people more on what the Tribe stands for and what we want. If we go to DC, what are we asking for? Education is big, we have to take advantage of educational opportunities.*

♦ *When living in a community with historical trauma, the individuals in roles of power and influence are products of that trauma but also reinforce the practices that perpetuate the trauma. There are a lot of conflicts of interest and nepotism within tribal entities. Funds that the Tribe is receiving to assist with community issues are mishandled. The Tribal Council has no experience with grant administration or labor/healthcare laws, and there is no mechanism to keep them accountable to ethical practices.*

How to address: *The Tribe has an attorney that protects the Tribe's interests. The community members need access to attorneys that can advocate for them to keep the Tribe and its attorney accountable.*

♦ *There's a gross mismanagement of tribal resources, both intentional and negligent. All resources are mismanaged: financial, natural, and human.*

How to address: *Need long term strategies. Need to educate tribal members about the real effects of tribal politics. Tribal politics can have lots of negative impacts. If we get a million dollar grant and you voted for someone so you could get a job under that grant and you get the job, but there is mismanagement and we have to pay back \$500,000 of the grant, that money can't be used for other purposes. Overall, that is a waste and a detriment to the community. We should be building houses, not paying for mistakes. We really need some type of public media on the reservation to watch the government and what they're doing. The community has no idea what tribal leadership is doing, it's all very hidden. People talk about transparency but don't actually know what it's like to have transparency in government.*

- ♦ *There is a sense of hopelessness on the reservation and a loss of pride.*
- ♦ *Land is disappearing. Another big issue is figuring out how to get members connected to one another.*
- ♦ *The biggest issue is addiction. It's over-powering everything. It impacts physical health, mental health, and their safety because people are stealing to buy drugs and they don't want to work.*

How to address: *We need a larger legal role in getting people into treatment. You should be able to get a court order to send people to treatment. It's too easy for people not to work when there's access to low-income housing and a Temporary Assistance for Needy Families (TANF) check (with no time limit). There's no incentive to do more.*

MLSA'S SERVICES

Another purpose of the interviews was to gather information about MLSA's reach into Montana's Indian Country and suggestions for outreach and service improvements. 88% percent of the interviewees knew about MLSA before being contacted for the interview. This high percentage is partially due to contacting some individuals that MLSA staff knew and these individuals being more likely to agree to be interviewed. Having most interviewees with at least some knowledge of MLSA provided an opportunity to ask about their understanding of the MLSA's services, what they thought MLSA does well, and what MLSA could do better in their area.

Most of the interviewees who knew about MLSA were most aware of MLSA's services for victims of domestic violence, for those who want to write a will, and for those being evicted. Of those who were asked if they had heard of the website MontanaLawHelp, only fourteen had heard of it while 22 had not. Some of those who had heard of it reported making referrals to it.

A few interviewees were asked what resources in their community/on their reservation people use when they need legal help. Most were not asked this question because it was obvious during their previous answers that there were no other resources aside from MLSA. Of those asked, two reported that people ask or get help from the court. One person said that there are about six people who have passed the bar on Rocky Boy's Reservation. The court refers people who can afford to pay to them. When asked if these resources are meeting the legal need in the community or on the reservation, all answered no.

What MLSA Does Well in Indian Country or Serving Native Americans

Statewide.

- ♦ *Their self-help clinics. Their pro se clinics are one way to provide the biggest bang for the buck. I have not worked directly with MLSA, just with their clinics.*
- ♦ *Tribal court practitioners appreciate having MLSA available and doing work within the court system itself. I hear positive feedback about the work MLSA does.*
- ♦ *We've had a great relationship with MLSA working with the Tribal Law Practice Group. Students have had great placements.*
- ♦ *Showing up and being in these communities and sticking it out, notwithstanding geographic distances.*
- ♦ *They told me about CourtHelp for my divorce. I came out on top even though my husband had a lawyer, and I did not. Recently I called about sexual harassment from a previous employer. The MLSA staff were amazing. Very helpful. They followed up with resources. I felt so cared for. It's pretty cool, pretty amazing.*

Blackfeet. *Having the domestic violence advocates here physically present to help and are there for the people was good.*

Crow.

♦ *I don't have a lot of knowledge. Being available and providing the service is huge. MLSA providing assistance to the Court has been hugely helpful. We really appreciate that here. The trainings for judges will be very beneficial as well when we are able to do it. MLSA's stance and approach is very professional, independent, and objective and people find that trustworthy and therefore want to work with you.*

♦ *Coming all the way to Crow even when the roads are bad! You guys are troopers. There are transportation issues so people can't always get to Billings. People feel better talking to a person, even if it's just over a phone.*

Flathead. *Willingness and ability to collaborate, which you don't always see. Collaboration is a different culture. MLSA are the experts in poverty law.*

Fort Belknap.

♦ *I think they do everything well. I don't know what would have happened if I had not had them. I like that they're not from here, so there's no political or family things that can happen on the reservation. I'm always encouraging people to apply. I tell them, "You don't have to be alone."*

♦ *When MLSA staff were physically here and having a regular presence, it was so easy for court staff to send people from the community to come talk to someone and be heard.*

♦ *Offering the services is a great service in and of itself as people don't understand their civil or criminal rights. It creates a sense that someone is there to help them.*

♦ *The criminal representation and family law.*

♦ *Offering resources is good.*

Fort Belknap/Rocky Boy's.

♦ *MLSA attorneys are fantastic and available, but victims don't follow through. MLSA attorneys go to both reservations. They do a lot of meetings with the tribal advocates. They ask them what they would like training in, these are very productive meetings. They makes themselves super available. Staff do phone intakes. MLSA has come a long way in this area. It's such a necessary service. In this area, no one does what they do.*

♦ *MLSA helps a lot with victims of domestic violence and assisting people with Supplemental Nutrition Assistance Program (SNAP) hearings.*

Fort Peck.

♦ *When a staff attorney was based here we had them in constant contact. They would come in person every other month or quarterly, talking to people in person and being there. MLSA is good with communication and keeping options open.*

♦ *I remember in the 1970s and 1980s a staff attorney who worked for MLSA was really instrumental in writing the tribal code. We have a wonderful code of justice, it's just hard to enforce at times.*

Rocky Boy's. *MLSA communicated very well and worked very well with our office. They communicated with the clients and tell them how things are going to go. The court process takes so long, and clients don't understand that. They communicate about it well.*

What MLSA Could Do Better in Indian Country or Serving Native Americans

Statewide.

♦ *Across the board, legal services providers can always do a better job of trust-building and being in the community, so the community knows about them. MLSA needs regular contact. Individual tribal members are not aware of them.*

♦ *I remember when MLSA had an office on each reservation. They closed all the local offices. They are doing very little work in the tribal court system. I've seen them move away from that. They are constantly changing services.*

♦ *Some people are disappointed when MLSA can't take their case. There needs to be more education, information guides, forms, and assisting people in representing themselves. Increasing the capacity and ability to take on more cases.*

♦ *Have Native American attorneys and people rooted in those communities. It's a question of resources and time. More people and more resources on the reservations.*

♦ *It would be nice if MLSA had a civil arrangement in each community. They need virtual meetings. Have to be able to get clients to a place on the reservation where they can meet with the attorneys.*

♦ *Developing a screening tool that would be helpful to identify people who have been victims or families of victims and identifying resources that may be available to them.*

♦ *Work with The Native American Rights Fund (NARF) and assist with related legal issues as they come up. Help with educational materials.*

Blackfeet.

♦ *Better outreach and a consistent in-person presence.*

♦ *A physical office and physical presence. I don't think circuit rides once a month are that helpful. It would need to be more often, like once a week. People won't know to come in one day per month. Kiosks so people can fill things out right away. There are forms, but it's a struggle to have them printed off. It can be hard to read when they are filling forms out by hand.*

♦ *More lay advocates are needed. People need advocates of all sorts, especially like MLSA ones who are free, but there's also a need for ones who charge.*

Crow.

♦ *Being there every day would be good. Crow does get money sometimes to do public defending. There are issues because it has to go through the executive branch and can get stalled. But if the money comes around again we would be interested in contracting with MLSA for full-time defender.*

♦ *Communication with community, putting information out there about services and saying we're here on these dates. Having someone who is a Crow speaker or understands Crow would help people a lot, in order to explain legal concepts. (Question: Who does the court use for Crow-English translations?) No one specific. They would use someone from the community or the college. There is a language program at the college. I spoke Crow all my life, but I didn't know how to write it and now I do. You should take a class in Crow from the college.*

♦ *Online resources. MLSA has assisted in developing more guides and checklist, forms for when pro se people need to pursue their own legal issues. It would be nice if you could be in the community more, every day, available to people.*

♦ *A lot of people need help when they have questions about procedures and how to fill out forms, even if you don't go to court with them. They don't know different options like custody versus guardianship and there is no one available to explain. People use lay advocates if they can pay for them. There's about a*

handful of them, but not everyone can afford them. People can do a lot pro se, they just need to be pointed in the right direction. Instruction sheets for existing forms are helpful.

Flathead. *We would love to have a MLSA lawyer once a week in the Public Defender's Office.*

Fort Belknap.

♦ *Actually being here again. Constant dialogue between the court and MLSA. Better communication and build the relationship to help the people.*

♦ *The pandemic and shutdowns make it difficult. There used to be two days a week that people were coming here. I understand there were limited resources. If possible, come three times a week or even more.*

♦ *I know it's tough now but being physically present and building relationships is important. Hire Native people so people can trust MLSA staff and not feel judged.*

♦ *It's tough that MLSA comes only every other week. With Covid-19, it's an even a bigger burden. I've often wondered how one person does it.*

♦ *MLSA can have better awareness within the community. They need to make sure that people know about their services at other places aside from the court.*

♦ *Any help you want to give is good. One of the bigger things we need is representation for adult criminal offenders. The public defender position was a one-time grant. It was only billed for two years of the three year term and the funding was never extended. We have to apply for it again and I don't know when or if it would be available.*

♦ *MLSA can offer trainings on the Tribal Law and Order Act for both the court and the council.*

Fort Belknap/Rocky Boy's. *Educate people about what you do.*

Fort Peck.

♦ *I didn't realize MLSA still provides these services. You need to do a better job advertising your services and providing self-help materials.*

♦ *Be more available. I know we lost contact because the position (the former DV person) wasn't filled out of Glendive. Getting back to constant contact and being in person (outside of Covid-19). Be available in person.*

♦ *I'm not familiar with the amount of services provided. We have a lot of lay advocates at Fort Peck. It would be nice if legal services provided trainings for people who are interested in lay advocacy.*

♦ *Our people aren't aware of our sovereignty and our jurisdiction. The people who abuse the law are more familiar with jurisdictional issues than law-abiding citizens. Teach classes that people could take through the college on sovereignty issues. It doesn't pay well but you can get to know our culture and people, as well as teach us about the laws. People don't know how much they don't know. It would be a good community service. Could be fee based.*

♦ *We have an AIHEC (American Indian Higher Education Consortium) conference every year. It would be nice to have MLSA participate. They have a competition where children are given books to read and then are quizzed Jeopardy-style on what they learned. Maybe MLSA could provide books and questions.*

♦ *Need to get the word out to people about the services MLSA can provide. Advertise on Facebook and send materials to the courts.*

Rocky Boy's.

♦ *I wish there was more (MLSA staff). We have a public defender. I wish MLSA could help with juveniles. There are children in need of care, not juvenile offenders, who end up in the court system and need services. They were victims of seeing their parents use.*

♦ *I wish we could have another tribal advocate. By the time we could make an appointment, the victim had returned to the abuser. It was a lot better when we could just walk her next door to meet with the tribal advocate. (Question: Do you think it would work if MLSA could work out a procedure where the Rocky*

Boy's Victim Services staff could call or email a specific MLSA person who would get on a Zoom call right away with the client?) Yes.

- ♦ *More outreach, not just at the court.*
- ♦ *More of a presence.*
- ♦ *It would be great if MLSA could provide legal support for tribal members developing non-profits. Consultation and checking the work of the tribal attorneys to hold them accountable.*

Best Ways to Get Information about MLSA and MontanaLawHelp to Native Americans

Statewide.

♦ *Facebook is good, but very best way is by word of mouth. People don't understand where MLSA is or what they do. Do more face-to-face. I totally agree it helps if it is a Native with them, then the community trusts them. That's when people will listen.*

♦ *Make sure there is someone coming to the reservation communities on a regular basis, even just to sit and visit and distribute information. Go to places like the tribal colleges, tribal health centers, and the schools. In metropolitan areas, go to the tribal health centers. It doesn't have to be an established place, it's about word of mouth. It's helpful to have Native American staff.*

♦ *Off-reservation: the new consortium of all the Urban Health Centers. Jason Smith is the staff person. He used to work in the Governor's office in the last administration. On-reservation: Tribal Leadership Councils and social or economic development committees. Social media through statewide Native American organizations.*

♦ *Off-reservation: Connect with the Urban Indian Health Centers. That's huge because they have a huge volume of Native Americans that come through there. Do programs with them or give them written information. Facebook in Indian Country; that's how the tribes and everybody does it. Information on Facebook gets out there because more and more people are on it. If they're not on it, someone tells them about it. Western Native Voice does a really good job of getting information out, work with them. For elders, use tribal newspapers, which many tribes have. Some newspapers are online.*

♦ *Present to the tribal councils. Everybody watches the tribal council meetings, that's how my office gets the word out.*

♦ *Facebook.*

♦ *Need to have a contact in the community to consult with.*

♦ *Go to local events and hand out pamphlets. At pow-wows, the organizer can give a shout out for people to talk to you. Have consistency in messaging or timing of events, so people know when you regularly do something. Host live events on Facebook and use social media boosts. For elders, advertise in newspapers or community briefs, such as Big Horn Briefs. Post flyers in gas stations.*

♦ *Online is a great way to spread information, but not everyone has access to the internet. A primary way Natives get their news is Facebook and social media. Word of mouth and being present in community resources and being helpful to those folks; that's a great way to get the name out there.*

♦ *Western Native Voice has a good sense of the main points of contact. Reach out directly to tribal nations and tribal leaders and take cues about how to best reach out in their nations. IHS and Tribal Health Departments play a real critical role in spreading information. The Montana Budget and Policy Center has built a good relationship with tribal health leaders, which has been really helpful.*

♦ *Facebook and TikTok, everybody goes there. The Rocky Mountain Tribal Leaders Council (RMTLC) gets a huge amount of hits on TikTok. Depending on who you want to partner with on the reservation, get into their meetings, like the court's meetings. The RMTLC started a website for judges, but it hasn't been used. They are going to update it and could link to MLSA. It was created to improve communication.*

Blackfeet.

- ♦ *Having a zoom series where people can log on and MLSA can discuss legal topics, sort of a know-your-rights session. Getting this information out there is important because people think their concerns are just a part of life and don't know they may have a legal issue that can be addressed. Facebook and mailers.*
- ♦ *Try to contact the Business Council and have them spread the word on their Facebook page. Phone and print outreach—a lot of people don't have access to the internet.*
- ♦ *Be on the reservation. Facebook.*
- ♦ *Social media and Facebook.*
- ♦ *Newspapers and Facebook.*
- ♦ *Facebook, but this leaves out older community members. There are a couple of community webpages, and the older members of the community read the Glacier Reporter. Run the ads next to the obituaries as everyone reads them.*

Crow. *Collaborate with the college. They are consistent about getting information out where it needs to be. Right now, people use Facebook a lot for community information about what is open and when, especially during lock down. Big Horn County News circulates. The Original Briefs (out of Hardin, it's a little pamphlet) runs small stories about court issues, community news.*

Flathead.

- ♦ *Through the Public Defenders Office. Fort Peck also has a Public Defenders Office. Blackfeet has advocates. Most reservations have advocates.*
- ♦ *The Char-Koosta newspaper. Making sure that the service providers, such as housing and Temporary Assistance for Needy Families (TANF), have your outreach materials on hand to be able to refer their clients. Facebook. Mass email from the Tribe. The Tribal Council's Chairwoman could do the best outreach.*
- ♦ *Char-Koosta News, which is free to tribal members. Reader boards. Thousands of people drive by those. Radio stations.*
- ♦ *Try to use social media. Students use Instagram, Snapchat, and TikTok more than Facebook, email, or text. Need faster information, people won't pay attention to longer ads.*

Fort Belknap.

- ♦ *Target Facebook ads to the community.*
- ♦ *Through the public relations officer at the Tribe.*
- ♦ *Facebook—the Fort Belknap page. Should coordinate with Public Relations Office.*
- ♦ *Facebook is what majority of people use. Flyers. Letters.*
- ♦ *Having a physical presence. Do a traveling clinic. Develop relationships with the tribal colleges. Talk to as many regular Native people as possible. Use gift cards if you want to talk to regular people for this study.*
- ♦ *MLSA does a really good job. Just work with local people to gain trust.*

Fort Belknap/Rocky Boy's. *Social media—Facebook. Both reservations communicate through Facebook. Attend council meetings. Give council and tribal members information.*

Fort Peck.

- ♦ *Send letters out through the mail, contact the post office. People always check their mail. Post a little billboard here and there around the small communities. I don't even listen to our local radio, read the newspaper, or use social media but everyone goes to the post office and gas station.*
- ♦ *Ads in the newspapers and on the radio stations. Everybody listens to it. Local and Rez Cast, Facebook, and other social media.*
- ♦ *Utilize local papers. Wolf Point has Independent Northern. Poplar has The Journal.*

♦ *Facebook and local advertising. Advertise through the court—they can put a link to MLSA on their website.*

Little Shell. *The best way is through social media because our members are spread out. We would like to include MLSA on our website. Use Facebook and SMS messaging that members have opted into. Attend pow-wows.*

Rocky Boy's.

♦ *I will link MontanaLawHelp to the court's website. MLSA comes up once a month, which is not enough. Tribal members rely on Facebook and emails. MLSA needs to be involved with Temporary Assistance for Needy Families (TANF) more. We have regular meetings with our clients and we could hand out brochures. Our senior citizen program delivers meals and flyers.*

♦ *Reach out to more tribal departments in addition to the court.*

♦ *Social media and tribal radio stations.*

♦ *Radio station. Could do a zoom presentation explaining the services MLSA offers. Try to contact the Tribe's PR person.*

♦ *TV in the waiting room of the Health Center. MLSA could be on that. Work with the directors of the programs such as Temporary Assistance for Needy Families (TANF), Social Services, etc. and then advertise within those Tribal departments.*

Butte. *Having a website is a really good way. Having information that urban clinics can put on their Facebook page. Have a link for MLSA on Northern American Indian Alliance's website. Once a quarter, have a clinic where people can come to learn about their rights and schedule appointments. Northern American Indian Alliance could host it and promote it.*

Great Falls.

♦ *Facebook. Give other organizations MLSA brochures and business cards that they can hand out. I will link to MLSA on our website.*

♦ *Direct one-on-one phone calls and leading with a mailer. Social media is fine, but many people don't have a phone. During the pandemic, we have found mailings work well.*

Missoula. *All Nations is the only service provider for Native Americans in Missoula. With the Native American Student Services at the school system and at the university, if all three are involved in a campaign, it would touch everyone. Do a campaign through us and we can give them information onsite. It's a very communal society. Educate the staff of those three organizations.*

Principles to Follow to Provide Culturally Appropriate Services to Native Americans

Many interviewees were asked what was important for MLSA to do to provide culturally appropriate services to Native Americans. Their responses are combined into principles based on common themes among the responses, regardless of where the interviewees lived or worked. The principles include instructive comments made by interviewees. A few of the comments have tribe-specific suggestions.

- 1. Start with the knowledge that every tribal nation is different.** *Culturally appropriate services need to be individualized by tribal nations. All the tribes have different beliefs, different ceremonies, and different methodologies. Treat each tribe as an individual nation. Make sure the people MLSA sends into the communities have understanding and context for that particular Tribe because what might be okay with one Tribe might not be okay with another. Understand that some reservations are home to more than one Tribe. Make things tribe-specific.*

2. **Talk to trusted community members.** *Find out who the people that can advise you are. Find the local elders. Connect with the tribal councils. Talk to Culture Committees; Flathead has them. Talk to program managers on the reservations.*
3. **Reach out to the court or tribal government.** *Ask questions on how to approach outreach for different events and different audiences. Then let them know your plan and ask them to share a posting. Try to create a good relationship with clerks, the tribal prosecutors, etc.*
4. **Partner with trusted community members and organizations.** *Everything happens through connections, both on and off the reservations. Having a connection gives you credibility. In Great Falls, the Indian Family Health Clinic is a trusted voice. Montana Urban Indian Association and the Great Falls Indian Education Department would give credibility too. Best thing is to work with trusted members of the community. Reach out to people who can provide that guidance for legal work.*
5. **Be creative.** *Hire a famous Native person to do an ad.*
6. **Have a trusted person with you.** *Have an enrolled member of the Tribe with you. You need a Native American liaison for them to trust you because people have been treated so badly for centuries. You have to have a familiar face, it could be a non-Native American who lives there. It has to be someone people trust.*
7. **Develop relationships.** *It's all about relationships and meeting with folks, being proactive, and consulting with community members to inform process from the beginning, not as an afterthought.*
8. **Live in Indian Country.** *Ideally, you live in Indian Country.*
9. **Hire Native people.** *That's key. There's a comfort level for Native clients. It's so important to have Natives involved that clients can connect with immediately. Native staff members are also role models for the clients.*
10. **Have the right staff.** *Have conscientious workers who are open to being culturally sensitive. Be understanding and open-minded, especially with victims of domestic violence. They have a hard time with leaving the area because they are brought up within their culture where you stay on the land.*
11. **Educate staff.** *Do an Indian Law 101 for staff. They need to have a base of knowledge about Native folks: how the tribes are organized, how tribal governments work, basic cultural competency, etc. Hire trainers from the community to educate on historical trauma, complex grief, traditional culture, and what happened to people at boarding schools and in the military. Trauma affects generations. There are generations of adults who didn't learn how to become a parent, they weren't nurtured as a normal child would be. Understanding this historical trauma is useful when dealing with people, especially in family law issues. Take a cultural awareness course.*
12. **Be in the community and offer your services.** *Have a presence so people know you and trust you. Be around Native people, see remote areas, and go to pow-wows where there are booths all around. Try to engage there and talk to community members. Help, or refer people to resources that address what they're needing and follow up to make sure they received the help. Let individuals know what you can help with.*
13. **Be humble and authentic in actions and communication.** *Ask questions. If you have a cultural curiosity, you should be fine. Don't assume everything. Don't act like you know everything. Don't try to be something you aren't. The communication style of Natives is informal. Definitely listen more than you speak. Just be a good person and have an open mind. Show up, be appropriate and respectful, and communicate what people can expect from your services. Be honest and humble about not being from the community. Set aside preconceived notions.*
14. **Understand tribal laws and customs.** *You need to know Indian law and understand our code. Know that the law itself and how it is practiced is a form of western influence on its own, but that there are traditional elements as well, such as the idea of the peacemaker, grandparents' rights, etc. Grandparents have a huge role and influence.*
15. **Understand the culture.** *Get training in cultural fluency. Understand how Natives respond and why they respond. Gender is a big deal. Often times, the man in a couple won't talk. Sometimes the*

husband gets really jealous if you're talking to the wife. Some people talk about Indians not looking people in the eye. That varies. Not everyone was taught that. Elders are respected. You may have to explain more why you need to talk to someone alone because someone may want someone else with them if they don't feel they can talk to you alone. Be aware of how they think and interpret things. Joking may make some more comfortable. If MLSA provides services to a Native American, the connection can be a lifelong connection. Many Native Americans will see them as a lifelong friend.

- 16. Understand that English is not the first language of many.** *Understand why people may struggle with resources written in English or communicate differently. Pair MLSA staff members with people that speak the language so they can explain their rights and MLSA's services. Have posters in their language.*
- 17. Understand cultural taboos.** *Get used to taboos. Tribal colleges usually have a list of the taboos. Anyone who teaches history or government should have a list of taboos. Northern Cheyenne does. Develop a language guide that tells what words to use and not use. This varies by tribe.*
- 18. Use the strength or resilience approach.** *Be solution-focused and positive. Understand the strength of the tribal communities and everything they have achieved in the face of struggle.*
- 19. Build trust.** *Natives can be very distrustful. They wonder what you want from them. People are promised something, and it never gets down to them. Once you get their trust, you're in.*
- 20. End with the knowledge that every person is different.** *Each person is unique. All of our backgrounds are different. Get to know them and they'll be comfortable with you.*

Recruitment and Retention of Native American Staff Members

Interviewees that work with law students and social work students at the University of Montana were asked about the number of Native American students going to the university pursuing a law degree (Juris Doctorate-JD), a Masters of Social Work (MSW) degree, or a Bachelor of Social Work (BSW). (Inquiries were made about social work students because they may be interested in becoming tribal advocates or attorneys.) The interviewees' responses highlighted the small number of Native Americans students in these programs at the University of Montana.

- **BSW students:** *On campus, about three or four of 25 in a class are Native American. The University of Montana has a 2+2 Program with the tribal colleges, which is mostly online. It includes support at the tribal colleges.*
- **MSW students:** *Two or three out of 30 in a class being Native American would be a large number. The University of Montana recently launched an online national program for 60 MSW students.*
- **JD students:** *It varies from none to seven or eight Native American law students in a good year out of a class of 80 to 85 students.*
- **Indian Law Clinic students:** *The Indian Law Clinic of the JD program averages four to eight Native American students. In the 2020/2021 school year, there were five students Native American each semester. In the 2021/2022 school year, there will be eight or nine Native American students. They are all in their final year of law school.*

The number of Native Americans that were in the University of Montana law school's entering classes between 2011 and 2019 varied from one to eight. The JD enrollment as of October 5, 2020, was five out of 81 for the first year class, three out of 84 for the second year class, and three out of 83 for the final year class. One to three more in each of these classes may have identified as Two or More Races, with Native American being one of the unidentified races.

These numbers help illustrate one of the challenges with recruiting Native Americans to work for MLSA; there are small numbers of Native American attorneys available to recruit from for open positions. Many interviewees were asked how MLSA could better recruit and retain Native American staff members. This

includes attorneys, tribal advocates, and other staff. Their responses, suggestions, and other additional helpful information given is detailed below.

Barriers to Becoming an Attorney and Possible Ways to Address these Barriers

- **Lack of knowledge about legal services jobs.** *Native Americans need more access to understand how the law works other than what they see on TV. There should be internship opportunities for high school or tribal community college students. This could provide education and insight into what those jobs look like. More people would pursue that line of work if they knew about it.*
- **Do not know it is possible.** *Talk to high school students and tell them they can be a lawyer. Build a pipeline/mentoring program. Normalize it. Have moot courts at high school civic classes.*
- **Lack of a community for law students.** *It is hard to expect Native students to be successful if they come from a reservation because it is such a change. They need more of a community. Some transfer out of University of Montana, often to Arizona State University (ASU), which has more of a community and more support available. University of Montana's undergraduate school has a Native American Studies program and more social support.*
- **Lack of role models for law students.** *Law students need to see people who come from the same places they do and faced the same challenges they face to show them they can make it. The law school often has no Native American faculty or staff.*

Recruitment at Tribal Colleges

- **Provide information to students.** *A lot of tribal community colleges have legal classes. Do a presentation. Explain what MLSA does and follow up with interested students.*
- **Meet with tribal college staff.** *Let them know what MLSA does on reservations and how students or graduates could assist.*
- **Develop partnerships.** *Partner with tribal colleges. Establish an internship program to get students interested.*
- **Recruit at the tribal colleges.** *If students who leave to get more education knew they could come back, that would help.*

Recruitment at Law Schools

- **Educate students about the issues.** *Native Americans who become tribal lawyers are often more interested in bigger issues than helping poor people. Start getting law students interested in the issues of MLSA's clients.*
- **Talk about overcoming challenges.** *It would be good if MLSA lawyers gave talks or talked to law students about how they overcame challenges to get through law school and become a legal services lawyer.*
- **Develop or partner with clinics.** *The Montana Justice Project allows students to intern and work through the law school. Work with the Indian Law Clinic.*
- **Ask for help from the Native American Law Student Association.** *When MLSA takes part in interview days, make a special request of the Native American Law Student Association to spread the word. This could be done across Montana, Idaho, North Dakota, South Dakota, and Wyoming.*
- **Recruit at law schools with strong Indian Law programs.** *The University of North Dakota has an active Indian Law Program and so does Arizona State University.*

Good Advertising in the Right Places and Good Hiring Practices

- **Use Turtle Talk.** *That has become the forum for Indian Country when it comes to jobs.*
- **Advertise on reservations.** *Post job announcements on and around the reservations. Give advertisements to the Tribal Council. Advertise in the newspaper, Original Briefs. Post with the college and on Facebook.*

- **Advertise for Black and Indigenous People of Color (BIPOC).** *Make encouraging statements in the ads, but don't make them feel like it's a slot that has to be filled. Don't make it feel like a "diversity hire."*
- **When hiring, acknowledge they are Native Americans.** *But let them know they are the right person for the position.*

Culturally Supportive Recruitment, Hiring, and Workplace

- **Be flexible about employee location.** *Structure creates barriers. Location matters for Native Americans. Let them work from the reservations. Have remote locations that allow people to serve from inside the community they come from.*
- **Ask them.** *Talk to applicants about what is important to them individually, e.g., do they want to live in an urban or rural area? Figure out how to support specific Native people by asking them directly.*
- **Support Native culture in new or different ways.** *It's a challenge because it's not about the job not being a good opportunity. It's that you're not in Indian Country, and they may want to work there. Need to understand that tribal traditions could impact whether they come to work. For example, there may be a three-day wake they need to go to or a week-long ceremony. Need to have flexibility to support tribal customs and traditions. Look at benefits, bereavement leave. Do they work for Native communities? May not be able to be rigid about being on time.*
- **Recognize Native history and differences.** *Just recognize that we've struggled. We don't have a quality education on the reservation. Recognize that Indigenous people have had trouble. Have cultural competency training during staff meetings. Have internal equity meetings. Have a Black and Indigenous People of Color (BIPOC) caucus.*
- **Hire more than one.** *It's really hard and isolating to be the only Native person in the office. It takes a critical mass.*
- **Treat people as people.** *Sometimes I think cultural sensitivity gets over-expressed. It's nice to understand Native ways, but just treat people as people. Speak to people straightforwardly.*
- **Consult with others.** *The American Civil Liberties Union of Montana is working on a Diversity, Equity, and Inclusion initiative, you could ask them for advice. They have a Two-Spirit consultant who kind of does therapy as well.*

Good, Competitive Compensation

- **Pay attorneys more.** *Some attorneys have left MLSA because they needed to make more money. The Tribes pay lawyers more.*
- **Have a competitive position re: salary and benefits.** *Offer a salary and benefits for what they are worth.*
- **Ensure pay equity.** *Pay equity is a big issue. Black and Indigenous People of Color (BIPOC) get paid a lot less by some employers. Many times, BIPOC are asked to go above and beyond in their job duties, e.g., translate for others. Provide a bonus to BIPOCs who are on a hiring committee.*
- **Provide money for moving.** *If they are coming from a reservation to move to a big city, there will be costs associated with the moving process.*
- **Reassure about grants.** *I thought the benefits were good, but the uncertainty around the grants made it hard to stay. I needed job security. (Statement from a former employee.)*

Other Recruitment and Retention Ideas

- **Recruit with other organizations.** *Collaborate on recruitment with other Montana legal organizations and access their applicant pools too.*
- **Reach out to the lawyers in Indian Country.**
- **Focus on hiring those without a legal background, not just attorneys.** *Offer them education and training.*

- **Attend tribal career fairs.**
- **Develop trust.** *Get out there and develop relationships.*

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APPENDIX 1: HOW COMMON ARE ISSUES IN THESE AREAS?

The following tables contain the interviewees’ answers to the question, **How common are these specific problems for low income (members of your tribe) or (Native Americans in Montana or your area) in the area of _____?** Most interviewees answered the questions in one or two areas. Not every legal area had answers from interviewees from each of the reservations and urban areas. The lack of answers in a particular legal area should not be interpreted as those problems not being on that reservation, off a reservation, or in an urban area. The number of letters in a box is equal to the number of interviewees who gave that problem that rating.

R = on reservation
O = off reservation
U = urban
S = Statewide

Table 3: Community Development: How Common are Issues?					
	Flathead	Fort Belknap	Fort Peck	Rocky Boy’s	Statewide
Business Start-up or Ownership					
Very Common	R	RR			R
Somewhat Common		R	RR		
Not Common				R	
Nonprofit Start-up or Operation					
Very Common	R	R			
Somewhat Common		R			
Not Common			R	R	R

Table 4: Education: How Common are Issues?

	Blackfeet	Flathead	Fort Belknap /Fort Peck / Rocky Boy's	Fort Peck	Northern Cheyenne	Rocky Boy's	Havre	Statewide
Quality of a Child's Education								
Very Common	RR			R	R	R		SSS
Somewhat Common	R (college)	R (college)	R				R	
Not Common								
Discipline or Suspension or Expulsion								
Very Common					R	R		SO
Somewhat Common	R			R			O	SSSU
Not Common		R (college)	R					
Special Education or Learning Disabilities								
Very Common				R	R			SS
Somewhat Common	RRR	R (college)						OS
Not Common			R					R

Table 5: Employment: How Common are Issues?					
	Crow	Fort Belknap / Rocky Boy's/ Havre	Rocky Boy's	Havre	Urban
Lack of Jobs on the Reservation or in the Area					
Very Common	R	RO	RR		U
Somewhat Common				O	
Not Common			R		
Lack of Skills or Education Required for Jobs					
Very Common					
Somewhat Common	R	RO	RR	O	
Not Common					U
Obtaining Required Licensing or Certification					
Very Common			R	O	
Somewhat Common	R	RO	R		
Not Common					U
Not Getting a Job Because of a Criminal Record					
Very Common					U
Somewhat Common	R	RO	RR	O	
Not Common					
Not Getting a Job Because of a Low Credit Rating					
Very Common					
Somewhat Common					U
Not Common	R				
Not having Transportation to a Job					
Very Common		RO	RRR	O	U
Somewhat Common	R				
Not Common					
Unpaid Wages					
Very Common					
Somewhat Common	R	RO	R		
Not Common					U
Obtaining Unemployment Insurance					
Very Common			R		
Somewhat Common	R		R		U
Not Common					
Racial Discrimination Getting a Job					
Very Common	R				
Somewhat Common		RO		O	U
Not Common			R		
Racial Discrimination on the Job					
Very Common	R	RO			

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Somewhat Common					R
Not Common			R		

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Table 6: Family: How Common are Issues?

	Blackfeet	Crow	Fort Belknap	Fort Peck	Statewide
Domestic Violence					
Very Common	RR	RR	R	RR	S
Somewhat Common			R		
Not Common					
Stalking, Harassment or Restraining Orders					
Very Common				R	
Somewhat Common	R	RR	RR	R	S
Not Common					
Divorce					
Very Common			R	R	S
Somewhat Common		RR		R	
Not Common	R		R		
Child Custody					
Very Common			R	RR	S
Somewhat Common	R	RR	R		
Not Common					
Visitation					
Very Common	R		R	RR	S
Somewhat Common		R	R		
Not Common		R			
Paternity					
Very Common					S
Somewhat Common		R		RR	
Not Common	R	R	RR		
Child Support					
Very Common		R		R	S
Somewhat Common	R	R	R	R	
Not Common			R		
ICA or ICWA Related Issues (Dependent/Neglect)					
Very Common	R	RR	R	R	S
Somewhat Common	R		R	R	
Not Common					
Grandparents' Rights					
Very Common	R		R	R	
Somewhat Common		R	R	R	S
Not Common		R			

Table 7: Financial: How Common are Issues?

	Blackfeet	Flathead	Fort Belknap	Fort Peck	Statewide
Bankruptcy					
Very Common					S
Somewhat Common					
Not Common	R		R		
Predatory Lending					
Very Common		R			S
Somewhat Common					
Not Common	R			R	
Car Repossessions					
Very Common	R				
Somewhat Common		R			S
Not Common			R		
Garnishments					
Very Common					
Somewhat Common	R				S
Not Common					
Contracts/Warranties					
Very Common					
Somewhat Common					
Not Common	R				S
Access to Loans (student, car, others)					
Very Common	R			R	
Somewhat Common		R	R		
Not Common					
Unfair and Deceptive Sales (lemon cars)					
Very Common					
Somewhat Common	R				
Not Common					
Foreclosure					
Very Common					
Somewhat Common					
Not Common		R			
Access to Banks or Banking					
Very Common					S
Somewhat Common					
Not Common	R		R	R	

Table 8: Health: How Common are Issues?								
	Fort Belknap	Fort Belknap / Rocky Boy's/ Havre	Fort Peck	Rocky Boy's	Butte	Great Falls	Missoula	Statewide
Indian Health Service								
Very Common	R	RO	R	R				
Somewhat Common						U	U	
Not Common								
Lack of Needed Health Services on Reservation								
Very Common	R	R	R	R				
Somewhat Common								S
Not Common								
Lack of Ability to Get Health Care off Reservation								
Very Common	R			R		UU		S
Somewhat Common		RO				U	U	
Not Common			R					
Cannot Afford Health Insurance								
Very Common	R	RO		R		UU	U	
Somewhat Common			R		U			S
Not Common								
Getting a Medicare Card								
Very Common								
Somewhat Common	R	RO		R	U	U	U	S
Not Common			R			U		
Inadequate Health Insurance								
Very Common					U	UU		S
Somewhat Common			R	R				
Not Common								
Lack of Dental Care on Reservation or in the Area								
Very Common	R	RO	R	R	U	UU	U	S
Somewhat Common								
Not Common								
Cannot Afford Dental Care								
Very Common	R	RO	R	R	U	UU	U	S
Somewhat Common								
Not Common								
Lack of Substance Abuse Treatment								
Very Common	R		R			UU		
Somewhat Common		R			U			S

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Not Common								
Lack of Behavioral Health Treatment								
Very Common	R	RO	R	R		UU		
Somewhat Common							U	
Not Common					U			
Cannot Afford Home and Community-Based Care								
Very Common	R				U	UU	U	S
Somewhat Common		RO		R				
Not Common								
Lack of Long Term Care Facilities for the Elderly and Disabled								
Very Common	R			R	U	U		S
Somewhat Common						U	U	
Not Common		RO						
Conditions in Long Term Care Facilities								
Very Common						U		
Somewhat Common		RO			U	U	U	
Not Common								

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Table 9: Housing: How Common are Issues?

	Blackfeet	Crow	Flathead	Fort Belknap	Fort Peck	Rocky Boy's	Great Falls	Missoula
Landlord/Tenant Issues								
Very Common			R		RR	R	U	U
Somewhat Common		R	RR			O		
Not Common				R	RR	RR		
Lack of Safe, Well-Maintained Housing								
Very Common	RR	R	RR	RR	RRR	RRO		U
Somewhat Common			R				U	
Not Common								
Lack of Affordable Housing								
Very Common	RR	R	RRR	RR	RRR	RRO		U
Somewhat Common							U	
Not Common								
Discrimination based on Race								
Very Common				O		O	U	U
Somewhat Common		R	OO		R	O		
Not Common	RR				R	RR		
Discrimination based on Family Size								
Very Common		R	R			O		U
Somewhat Common			R		R			
Not Common						R		
Land Rental for Mobile Homes								
Very Common			R			RR		U
Somewhat Common		R			RR			
Not Common			R					
Mobile Home Sales								
Very Common						R		
Somewhat Common			R		R			U
Not Common		R			R			
Lending for Mortgages								
Very Common		R	R	R	R	R		U
Somewhat Common			R				U	
Not Common			R		R	O		
Foreclosures								
Very Common						R		
Somewhat Common		R	R	R				U
Not Common			R		R			
Utilities								
Very Common		R		R	RR	RRO	U	
Somewhat Common			RR					U

Not Common								
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Table 10: Individual Rights: How Common are Issues?					
	Flathead	Fort Belknap	Fort Peck	Rocky Boy's	Statewide
Discrimination based on Race					
Very Common	R	O	RO	RRO	S
Somewhat Common		R		R	SS
Not Common					
Discrimination based on Gender					
Very Common				RRRO	
Somewhat Common		RR	RO		SSS
Not Common					
Discrimination based on Sexual Orientation					
Very Common				RRRO	SS
Somewhat Common		R	RO		S
Not Common		R			
Discrimination based on Disability					
Very Common	R			RO	
Somewhat Common			RO	RR	SS
Not Common		RR			
Discrimination based on Children on Family Size					
Very Common				R	
Somewhat Common			RO	RRO	S
Not Common		RR			SS
Discrimination based on Income					
Very Common			RO	RRRO	
Somewhat Common	R	RRO			SS
Not Common					
Discrimination based on Criminal Record					
Very Common	R	RO		RRO	SS
Somewhat Common			RO	R	S
Not Common		R			

Table 11: Public Benefits: How Common are Issues?		
	Rocky Boy's	Butte
TANF Application or Benefits		
Very Common	R	
Somewhat Common		U
Not Common		
Unemployment Insurance Application or Benefits		
Very Common	R	U
Somewhat Common		
Not Common		
SSI Application or Benefits		
Very Common	R	U
Somewhat Common		
Not Common		
SSDI Application or Benefits		
Very Common	R	U
Somewhat Common		
Not Common		
SNAP or WIC Application or Benefits		
Very Common	R	U
Somewhat Common		
Not Common		
Veterans Benefits		
Very Common		
Somewhat Common		U
Not Common		
Child Care Assistance		
Very Common		
Somewhat Common		U
Not Common		

Table 12: Racial Discrimination: How Common are Issues?

	Blackfeet	Rocky Boy's	Great Falls	Statewide
By School Administrators or Teachers				
Very Common			U	SSS
Somewhat Common	RR			S
Not Common				S
By the Police				
Very Common		O	U	SS
Somewhat Common	R	R		S
Not Common	R			S
By Public Housing Authorities				
Very Common			U	S
Somewhat Common				SS
Not Common	RR			S
By Private Landlords				
Very Common		O	U	SS
Somewhat Common				
Not Common	RR			
By Government Benefits Personnel				
Very Common			U	
Somewhat Common	R			S
Not Common		R		S
By Medical Providers				
Very Common			U	S
Somewhat Common	R	R		S
Not Common	R			S
By Employers				
Very Common			U	S
Somewhat Common				S
Not Common				

Table 13: Transportation: How Common are Issues?				
	Fort Belknap	Fort Peck	Missoula	Statewide
Lack of Public Transportation				
Very Common	R	RO		
Somewhat Common			U	S
Not Common				
Lack of Medical Transportation				
Very Common		RO	U	S
Somewhat Common	R			
Not Common				
Cost of Medical Transportation				
Very Common		RO	U	S
Somewhat Common	R			
Not Common				
Lack of Transportation for Elderly and Disabled				
Very Common	R	RO	U	S
Somewhat Common				
Not Common				
Lack of a Car				
Very Common	R	RO		
Somewhat Common			U	S
Not Common				
Lack of Money for Gas				
Very Common	R	RO	U	
Somewhat Common				S
Not Common				
Suspended Driver's License Because of Fines				
Very Common	R	RO	U	S
Somewhat Common				
Not Common				

Table 14: Wills and Estates: How Common are Issues?			
	Blackfeet	Fort Belknap	Fort Peck
Probate or Establishing the Validity of a Will			
Very Common			
Somewhat Common		RR	
Not Common	R		R
Making a Will			
Very Common	R	RR	
Somewhat Common			R
Not Common			
Advance Directives and Powers of Attorney			
Very Common	R	R	R
Somewhat Common		R	
Not Common			
Estate Division			
Very Common	R	R	R
Somewhat Common		R	
Not Common			
Indian Trust Land			
Very Common	R	RR	R
Somewhat Common			
Not Common			

APPENDIX 2: SOURCES AND RESOURCES

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