

Whiteclay Public Health Emergency Task
Force
LB407 (2017)

FINAL REPORT TO THE LEGISLATURE

December 31, 2019

Whiteclay Public Health Emergency Task Force Members:

Senator Tom Brewer, District 43, Co-Chair
Senator Patty Pansing Brooks, District 28, Co-Chair
Senator Brett Lindstrom, District 18
Senator Mark Kolterman, District 24
Senator Tony Vargas, District 7

Ex-Officio Members:

Judi gaiashkibos, Executive Director,
Nebraska Commission on Indian Affairs

Dr. Fernando Wilson, Acting Director for Health Policy,
University of Nebraska Medical Center

Kim Engel, Director,
Panhandle Public Health District

BACKGROUND

On April 24, 2017, the Nebraska Legislature passed LB407 (Pansing Brooks), creating the Whiteclay Public Health Emergency Task Force. Governor Pete Ricketts signed LB407 into law on April 27, 2017. LB407 went into effect on August 23, 2017.

The Task Force was created to examine the public health implications of alcohol sales in Whiteclay, Nebraska, on the Whiteclay community and surrounding areas, including the neighboring Pine Ridge Reservation across Nebraska's northern border. The Legislature created the Task Force in the midst of legal questions over the existence of four liquor stores in Whiteclay that had long been the source of controversy. These liquor stores sold 3.5 million cans of high-alcohol content malt liquor annually.¹ This number of alcohol sales was voluminous in light of the fact that Whiteclay is a census area of 11 people that has no local governing body, no local ordinances, no public safety personnel, decaying and unsafe buildings, no police or fire protection and no wireless broadband. The intent of the Task Force, which started its work prior to the closing of the four liquor stores, was to work on the public health emergency regardless of what happened with the closure of the liquor stores, understanding that the effects of the public health crisis would continue whether the stores remained open, or as ultimately happened, closed.

While the Legislature was advancing LB407 and moving it toward final passage, the Nebraska Liquor Control Commission voted to deny licenses to the four liquor establishments in Whiteclay. This denial of licenses came after Sheridan County Commissioners acknowledged a lack of law enforcement during an interim study initiated by Senator Pansing Brooks (LR567), which focused on the lack of sufficient law enforcement.² The revelation of lack of law enforcement triggered the Liquor Control Commission to order the stores to reapply for liquor licenses so that the Commission could examine whether there was sufficient law enforcement in the area to support the licenses, as mandated under the Nebraska Liquor Control Act.³

A few days before the Nebraska Legislature passed LB407 on final reading, the Liquor Control Commission denied the liquor store licenses, based in large part due to the testimony by a Sheridan County Commissioner that law enforcement was insufficient at Whiteclay. Days after passage of LB407, District Court Judge Andrew Jacobsen voided the

¹ Nebraska Liquor Control Commission, [Whiteclay Sales Chart](#)

² Jack Anderson testimony, 10/11/16, page 74. See also "Lawmakers Investigating More Need for Police in Whiteclay," 10/11/2016, quoting Sheridan County Commissioner James Krotz

³ Nebraska Revised State 53-132 <https://nebraskalegislature.gov/laws/statutes.php?statute=53-132>

Liquor Control Commission decision. Immediately thereafter, Attorney General Doug Peterson took action to put the lower court's decision on hold during appeal, resulting in immediate closure of the stores. The Nebraska Supreme Court took up the case and on September 29, 2017, ruled that notice to all parties had not been properly served on appeal by counsel for the beer stores and that the stores must remain closed. The Commission's decision to close the stores based on lack of law enforcement spurred the Whiteclay Public Health Emergency Task Force to focus on what it could do to improve the public health and economic landscape of a new Whiteclay.

THE HEALTH CRISIS

Nebraska's actions and inactions in Whiteclay have had devastating consequences for the people on the Pine Ridge Reservation, which linger to this day. While alcohol sales on the Reservation are illegal, more than one in four babies born there suffer from Fetal Alcohol Syndrome, with debilitating physical and mental disabilities that are irreversible.⁴

The alcoholism rate is as high as 80%, infant mortality is 3 times the national average and teen suicide is more than 4 times the national average, according to the American Indian Humanitarian Foundation.⁵ Nationwide, there are only 0.2 to 1.5 infants born with FASD for every 1,000 live births, according to the Center for Disease Control.⁶ That figure is about 250 for every 1,000 live births on the Pine Ridge.

TASK FORCE APPROACH

Although LB407 didn't officially go into effect until August 23, 2017, Task Force members were selected and they began working prior to that time. The group held its first meeting on July 20, 2017. Another meeting was held September 7, 2017. During these meetings, members decided Senators Brewer and Pansing Brooks would co-chair the Task Force. Members also decided to divide their work into three main areas of focus: economic development, health and the establishment of a Memorial for the area. The idea of a Memorial came about from Frank LaMere, Former Oglala Sioux Tribe President Bryan Brewer and others who wanted to ensure that no one forget the decades of devastation caused by alcohol sales in Whiteclay. The Task Force decided to assign members of the Committee to primary areas of focus. Senators Vargas and Lindstrom focus primarily on economic development. Senator Kolterman, Dr. Fernando Wilson

⁴ Re-Member [data](#)

⁵ Ibid

⁶ Center for Disease Control [statistics](#)

(University of Nebraska Medical Center) and Kim Engel (Panhandle Public Health District) focus on health, including treatment and detox issues. Senator Brewer leads efforts to establish a Memorial and Senator Pansing Brooks and Director gaiashkibos are involved in many aspects of the work.

The Task Force has consulted with various organizations in the course of its work, including the Nebraska Tourism Commission, Panhandle Prevention Coalition, St. Monica's Behavioral Health Services for Women, the University of Nebraska, CHI Health, Panhandle Area Development District, and others.

WHITECLAY HEALTH, LEADERSHIP, AND ECONOMIC DEVELOPMENT SUMMITS

In order to help identify goals moving forward, the Task Force decided to hold a Whiteclay (Task Force) Summit, which took place September 29-30, 2017 and to participate in a Whiteclay Leadership Summit on September 29, 2018, both in Whiteclay, Nebraska. The Task Force supported efforts by Whiteclay advocates who hosted another summit on September 29, 2018 and the most recent summit on October 19–20, 2019.

The objective of these summits was to bring in interested parties to identify and discuss long-term objectives for Whiteclay. Agenda items addressed at these summits included:

1. Encouraging participation and obtain input from academic and medical experts, including, but not limited to, the University of Nebraska Medical Center.
2. Encouraging and obtaining input from nonprofit organizations, faith-based institutions and city, county, and tribal government officials to evaluate and develop strategies and solutions to help victims escape alcoholism.
3. Studying, evaluating, and reporting on the status and effectiveness of policies, procedures and programs implemented by other states directed toward Native American populations as they relate to preventing and combating alcoholism.
4. Evaluating the adequacy of interagency data sharing and policy coordination and recommend changes as necessary.
5. Examining sources of federal, state and private funds that may be available for prevention, detoxification, treatment, rehabilitation and economic development.
6. Examining ways to decrease the incidence of alcohol-related health problems through prevention programs and increased treatment, access to detoxification services and economic growth in Whiteclay, Nebraska, and the surrounding areas.
7. Planning and organizing a Fetal Alcohol Syndrome Diagnostic and Treatment Center to address FAS.

8. Discussing expansion of the senior care facility in Whiteclay to offer tele-geriatric psychiatry (telehealth) and to add an Alzheimer's unit.
9. Updating attendees on the progress in crime reduction in Whiteclay. The data presented at the 2019 summit show that area crime has declined by more than 27 percent since the closing of Whiteclay beer stores in 2017.
10. Honoring the life and service of activists Frank LaMere and Alan Jacobsen (2019).

Participants at the summits included representatives from the Oglala Lakota Nation, Nebraska State Senators, Legal Aid of Nebraska, Lakota Hope Ministries, Grow Nebraska, nonprofit service providers and advocates, the Panhandle Area Development District, Nebraska Extension, the University of Nebraska Medical Center, Keystone Treatment Center, Panhandle Public Health, the Nebraska Indian Commission, Sheridan County elected officials and others. Discussions surrounded economic development and health care and opportunities for Sheridan County which could be mutually beneficial for members of the Oglala Lakota Nation who so choose to participate in Nebraska. At the conclusion of the summits, a series of long-term and short-term objectives were identified to promote the healing of a population and community that has been taken advantage of by the long-term predatory sale of alcohol.

LONG-TERM OBJECTIVES

During the summits, Panhandle Public Health facilitated a brainstorming session, whereby summit participants identified long-term goals for the area. Ideas include initiatives related to skills training and development, youth and community, parks, recovery and wellness and hospitality. The chart on the following page outlines the broad ideas.

What do we want to see in place in 3-5 years to move forward in healing and build an economically vibrant and healthy community?

Skills Training and Employment	Youth and Community	Parks	Recovery and Wellness	Hospitality
<ul style="list-style-type: none"> •Job training/skills enhancement •Tech training •Entrepreneurial training – web-based and local •Maker Space •Industrial zone for Native-made products 	<ul style="list-style-type: none"> •YMCA •Youth sports – traditional games: lacrosse, horses, soccer, archery, skating rink •Safe space: Community Youth Center - coffee shop, ice cream, aviary •High quality daycare services •Good preschools 	<ul style="list-style-type: none"> •Park – Cowboy Bike Trail •Community gardens & green houses •Develop food forests •Annual Sobriety Pow Wow •Historical Museum of Whiteclay •Interactive Memorial to NEVER FORGET •Industrial Zone for Native-made products •Tourist destination Tipi shops 	<ul style="list-style-type: none"> •Recovery/Detox Center •Residential Detox Rehab Center •Rehab, counseling, mentoring •Sustainable Residential Life Center •Clinic – expanding healthcare & a place for the Lakota Nursing School •FASD Trauma Center in Whiteclay 	<ul style="list-style-type: none"> •Nice gas station •Sit-down restaurant •Movie theater •Hotel/lodging •Affordable housing •Proper Infrastructure: water, waste, EMS, police, fire

MISSING AND MURDERED INDIGENOUS WOMEN

Another objective that was identified was addressing the incidence of missing and murdered indigenous women (MMIW). Judi gaiashkibos, executive director of the Nebraska Commission on Indian Affairs, recommended legislation designed to help policymakers and law enforcement better understand the nature of this problem and how to better protect potential victims.

In 2019, Senator Brewer along with Senators Pansing Brooks and Gragert, introduced LB 154 to direct Nebraska State Patrol “to determine the scope of the problem, identify barriers, and find ways to create partnerships to increase reporting and investigation of missing Native American women,” and to submit a report to the Legislature on its findings by June 1, 2020. On March 1, 2019, LB 154 was passed with the unanimous support of the Legislature and presented to Governor Pete Ricketts, who subsequently signed it into law. The investigation by State Patrol is now underway.

CONCLUSION

As of the end of 2019, the following efforts are ongoing:

1. Placement of a permanent cell/broadband tower in the Whiteclay area.
2. Further progress on opening an FASD Trauma Center on the 5.5 acre property acquired for this purpose.
3. Final facilities upgrades prior to opening a Makerspace in the former liquor store property acquired by Whiteclay Makerspace in November 2018.
4. Securing the design for a Whiteclay Memorial, determining its location and investigating potential funding streams for such a Memorial.
5. Continuing to reduce the incidence of crime in the area and in the larger tribal community, with a focus on missing and murdered indigenous women and children.
6. Continuing work by natives and local Nebraska officials to spur economic development in the region to improve the overall economic outlook for Sheridan County and the Pine Ridge Reservation and to consider opportunities

for those effected by the Whiteclay Public Health Emergency to empower themselves and improve their lives.

The LB 407 Whiteclay Task Force has concluded its work as of December 31, 2019 with the filing of this report.

ADDENDUM

Members of the Whiteclay Task Force were honored to be greeted in prayer and song by more than twenty of our Oglala Lakota brothers and sisters who came to a summit event on horseback and offered gratitude, forgiveness and hope for our future together.

