

Testimony Prepared for the House Judiciary Committee

In opposition of House Bill No. 1535

February 3, 2025

By: Jessica Belgarde

Good morning. Chairman Ruby, Vice-Chairwoman Frelich, and members of the House Judicial Committee, my name is Jessica Belgarde, thank you for this opportunity to testify in opposition of House Bill No. 1535 Relating to the feather alert notice system; to amend and reenact section 54-35-23 of the North Dakota Century Code, relating to the committee on tribal and state relations; and to provide an appropriation.

I would like to start by stating that I am strongly in opposition of this bill. I would also say it is more so of the wording in this bill and not so much the bill itself. I do believe that Missing and Murdered Indigenous People (MMIP) is in fact at an all-time high and does not get enough coverage whether that be through media or any other state or national resource. But I also believe that those who do go “missing” is more of a humanity issue rather than an isolated racial issue. However, this bill does not specify in any detail the age demographic in which they are referring to or whether this bill is for the purpose of MMIP. Rather this bill states tribal members as a whole, in which I would say that North Dakota State wide alert systems work for all people not just one specific group.

After reading this introduction to the House Bill 1535 I as a civilian with no experience in politics or law I I have already seen the failures in this bill. Which is why I am speaking out on this issue. This section does not give enough detail as to what requires such person to be considered “legally missing”. This section does not state the critical requirements that would

meant to help them is in fact not working. Rather than celebrating the two alerts that were activated and those individuals were found tribes have focused on the three denials due to not meeting the criteria. Sacramento policymakers are reevaluating how well this law is working. Native tribes and members are quoted in this article placing blame on the CPH and law enforcement for not having experience or knowledge of the bill or being culturally sensitive. This bill if passed has the potential to create a great divide between state and tribal people. Possibly a greater divide that already exists today. This would significantly impact state and tribal relations.

In this article Los Angeles Times cited the concerns from both state and tribe as well as the California Highway Patrol such as when a “Feather Alert” is denied by CPH or local law enforcement it is construed as a “cultural insensitivity issue”. But a good and positive point “There are so many factors that go into determining if they’re missing,” Duryee said. “Just because someone doesn’t qualify for Feather Alert doesn’t mean we wash our hands clean”. Duryee said law enforcement agencies still have the power to do “traditional police work,” such as using license plate recognition or cellphone data. “Just because an alert is not issued doesn’t mean law enforcement isn’t working on it,” he said.

One take away I would ask this committee to consider from this article is mistrust that has been verbalized by the California tribal members at their assembly speaking on this topic.

Now, most are probably wondering why I as a Native American enrolled in a North Dakota Tribe is speaking against this. I would like it known that I support anything that would help finding the Missing Murdered Indigenous People as well as any other race that has been missing

or murdered that is not what I am opposing. Rather, to have more clarification on what this bill enacts. What are the qualifications and requirements to report a missing person in tribal lands? Whose laws are we following in this alert? How does this perform without a hitch to find said missing person but having tribal and state working together with different laws to follow? There are so many more questions. So many gaps, so many ways this bill will fail if not properly enacted with all the crucial details. That is why this bill needs more clarification to try to alleviate any of these obstacles that could potentially crumble this bill.

I would like to also state the California is the first and only state to have a “Feather Alert” and they have had much confusion, dismay and obstacles trying to enact this law. One fact that should be greatly considered before passing this bill in North Dakota is California is a state with 110 federally recognized tribes and roughly 100 reservations. This factor is why California truly needs the “Feather Alert” whereas, North Dakota is a smaller state with only five federally recognized tribes that could also activate any of the North Dakota alert systems for their people as well. I have provided a copy of the California Government Code 8594.13 to better show how their bill outlines in great detail how the bill is followed as reference. As well as, the Los Angeles Times article.

In my own experience with tribal law, tribal court, and tribal entities it is not a good experience. After this said experience, I was met with resistance I went on to making revisions tribal laws to support state and federal laws and to make things fair for the tribal people and children. I have seen firsthand how a tribal court operates. Currently, Turtle Mountain Tribal Court has conducted juvenile court pertaining to child welfare for the past three years without a Guardian Ad Litem for any child ward to the tribal court. I have this information in court transcripts and

affidavits. With seeing firsthand and speaking with countless others on that tribe who have had similar and worst done to them I knew reading this bill there had to be more fine detail to ensure the tribes use the alert system to help locate missing people rather than to their advantage.

I would like to address an incident that happened on June 13, 2024. I will never forget this day. My home, my parents' home, my sister's home was raided by Federal Bureau of Investigation officers due to reports made by the tribe that my child was a Missing Murdered Indigenous Person. Among other things that were said was my family were "drug users, we sold drugs, and the child is more than likely dead". The Federal agents came from other states to assist and came into a situation preparing for the worst which is completely understandable with those claims. All statements of which are untrue. My attorney spoke with the Federal Agents and let them know we are in active fight through court process also letting them know that this is a civil child custody case. The agents immediately apologized and said to close their end they just needed to see the child. And they did, they seen a happy, healthy, loved little girl and they left that day. This was traumatizing beyond words for everyone involved and home that day. This is an act of abuse of power and switching the narrative to better suit the tribe to get what they wanted. My only reason for speaking up and saying this is because without guidelines, regulations, and every aspect being planned out more incidents like this will happen when in fact they shouldn't.

I am currently in a fight against the tribe for custody of my daughter after her civil rights were violated by the tribe. After the tribe was told through Burleigh and Morton courts that this is a civil child custody case the tribe then went on to contact and I quote from a court affidavit from the tribe's attorney "The Tribe's federal partners, the United States Attorney's Office, the Federal Bureau of Investigation, and the Bureau of Indian Affairs have all declined to assist the Tribe in

the physical custody recovery of I.V. claiming that this is a "custody" matter. Despite the clarity of the Court's August 5 Order, the Tribe's federal law enforcement partners still refuse to assist the Tribe in retrieving I.V." I am more than willing to give this committee copies of any and all court documents, affidavits and any other documents that shows the tribe has broken many laws. I believe this will show that with any bill being introduced into North Dakota Legislature needs to be combed over and every aspect be written in so tribes cannot do this or anything like this to anyone else. Also, so tribes cannot waste time and funding for issues that do not meet Federal and State guidelines. I would like to state a disclaimer; I am not speaking on all tribes and their intention as I have never worked with any other tribe but rather, I am speaking on the experiences I have had with this one tribe in particular. Also, anything I speak on I have documentation to support it.

Thank you, Chairman Ruby, Vice-Chairwoman Frelich, and members of the House Judicial Committee, for your time and giving me this platform to speak up against injustices and gaps when I see them. If any of you ladies and gentlemen have questions, I would gladly answer them. Once again, I strongly oppose to the passing of this bill and would hope that listening to my testimony, cited sources and experiences you will also oppose.