

U.S. Senator Maria Cantwell

Senate Indian Affairs Oversight Hearing titled “Fentanyl in Native Communities: Native Perspectives on Addressing the Growing Crisis.”

November 8th, 2023

Sen. Cantwell Opening Remarks

[\[AUDIO\]](#) [\[VIDEO\]](#)

Sen. Cantwell: Thank you, Chairman Schatz and Vice Chair Murkowski for holding this very, very important hearing today to hear directly from Indian Country and how they're fighting this battle and how they need a better federal partner.

I want to take a moment to introduce one of the witnesses, the Chairman of the Lummi Nation, Anthony Hillaire. And I want to acknowledge the presence of multiple Lummi Nation leaders who are with us, key staffers, and council members Karley Kinley and Jim Washington. And in addition, the Lummi national policy advisor Merisa Jones, recovery specialist Tabitha Jefferson, and the Lummi Nation youth leaders who are here as a delegation. Thank you all for traveling all this way to make this voice heard and to get people to understand the scourge of this crisis.

Your presence here today is a testament to the devastating impact the fentanyl crisis has had on the Lummi Nation. And when I visited Lummi Nation in October of last year, fentanyl was already taking its toll. But a year later, the Lummi community lost five people to fentanyl overdoses within one week.

In 2022 the Centers for Disease Control and Prevention reported that American Indians and Alaska Natives have the highest drug overdose rates of any ethnic group for both 2020 and 2021. The rise of this illicit fentanyl is a problem.

We have hosted nine roundtables throughout the state of Washington and have spoken at many of the organizational meetings to talk about what are the solutions. In fact, the National Tribal Opioid Summit was also held in the state that was organized by the Northwest Portland Indian Health Board and happened to have it at the [Tulalip Reservation].

But we've talked to Tribal leaders in Spokane, Colville, Yakima, Cowlitz, Jamestown, Puyallup, Tulalip, and many people about how their particular communities are being impacted.

What we know is we must increase treatment and recovery capacity. As one doctor told me: “We should have access to recovery be as easy as access to the drug. And at this point, it's not.”

We need to better educate young people and get them involved in prevention and recovery. And that is why I'm glad to see the youth delegation that is here today, because they can help us understand how we can better reach out to young people. The next generation can lead the way in educating their peers.

And in August as I spoke to the National Tribal Opioid Summit at Tulalip. A key theme raised by many of the officials gathered at the session was how understanding where illicit fentanyl is coming from and how we respond to it is a top priority.

Data is needed and vital to our response in the [epidemic] and adequate resources. Whether that is helping them recognize the crisis or addressing it and responding is critical.

But a few examples, the Jamestown S'Klallam opened a healing clinic which provides addiction and MAT treatment and averages 120 patients per day. The Native Project in Spokane is working to build a youth and child services [center] that will focus on Tribal childrens' services to stay away from opioids and fentanyl. And the Lummi Nation opened a new stabilization and recovery Center for their community members and are currently working to construct and open a detox and health care center.

So, I welcome Chair Hillaire today to share the breadth and depth of your unique experience. And I'm so sorry that this is what the Lummi Nation has had to deal with. I know that you as a Tribal leader and a community council member in the past, know what it's like to deal with these issues and to prioritize them. Hopefully we can work better together as a federal partner.

I thank you again, Madam Chair, the opportunity for this hearing to take place and hopefully our committee to come up with ideas to better help Indian Country and our whole United States deal with this crisis.

Lummi Tribe Chairman Anthony Hillaire Opening Testimony

[\[AUDIO\]](#) [\[VIDEO\]](#)

Chairman Hillaire: Ey'skweyel e ne schaleche si'iam, Tony Hillaire tse ne sna, Tse Sum Ten tse ne sna, che' xlemi sen.

My dear friends and relatives, my name is Tony Hilaire. My name is Tse Sum Ten. I come from Lummi, and I serve as the Chairman of the Lummi Indian Business Council.

Good afternoon, Vice Chair Murkowski and Chairman Schatz and distinguished members of this committee. Thank you for having us here today.

I am here with my team here. Thank you, Senator for introducing them. We are traveling from afar from Lummi Nation located in Washington State. And we're here on behalf of our great Lummi Nation. We're here on behalf of our ancestors, our elders, our children, our fishermen, our fisherwomen, but most of all, and most importantly, we are here on behalf of the grieving grandmothers and mothers who are burying their children to drug overdose.

And it's becoming way too normalized. And just yesterday, we had a funeral of a 26-year-old Lummi woman who passed away from drug overdose. She leaves behind two children that will grow up with now without a mother.

And these aren't just anyone to us. These are our family. These are the people we grew up with. These are our future Chairmen and Chairwoman, our future cultural leaders, language speakers, the ones who will carry the torch into the next generations.

We want to thank you, this committee for holding this hearing so we can discuss this important matter so that we can change the world for the better for these next generations. And a special thank you to Senator Cantwell, our dear friend for your immediate response when we had five deaths within three days at Lummi Nation, four of them being a drug overdose.

Senator Cantwell helped respond immediately and gave us some assistance. In addition to calling for this hearing, and as well as for introducing the Parity for Tribal Law Enforcement Act, as well as attending the

National Fentanyl Summit hosted at Tulalip Tribes. Thank you for standing with us and for your ongoing friendship.

I want to start really quick, just acknowledging our resilience as Lummi people. When we talk about these issues in the drastic scenes of this fentanyl crisis at home, it goes without saying how resilient we are as a people and that we are self-determining. That we want to take care of ourselves and that we know how to do that.

These impacts of fentanyl and opioids at home have been very drastic and very overwhelming. And I just asked rhetorically to the committee just how many funerals have you been to in the last year? How many of you been to in the last month? In the last week? And for us it's pretty much every day.

And that's not just for fentanyl overdoses, which is been completely devastating, but also all of the health disparities that we see Lummi Nation that we're up against. We don't have time to meet, and I understand that it's much needed. But right now, our people need leadership, they need hope. And that is our responsibility to ensure that we never take away hope from our people.

And so, when we had those deaths and when I was talking to Senator Cantwell, we responded immediately. At Lummi Nation we declared a state of emergency. We implemented checkpoints to limit the number of drugs that were coming onto our reservation. We got canine units. Senator Cantwell helped us get FBI agents who helped get drugs off the street.

That was the first response, which was immediate action is the best message to the mothers who are grieving at Lummi Nation. And so, we did just that.

As we continue to intervene. We are learning the need for better outreach, better treatment services. The more drugs we get off the street, the more we disrupt the market of drugs.

Our people, those that struggle with addiction are really needing that fix. And so, we opened up a stabilization center, which is an expansion of services for medication assisted treatment and is open 24/7. And since our drug interdiction efforts, the beds have been completely full.

In addition to that, we've noticed children being in the homes of where we found drugs and where we shut down drug homes. And that brings up the need for our Lummi Youth Academy which is a residential facility next to our Lummi Nation School that ensures that our children can be home, that they can be closely tied to our people, our culture, and our way of life as a way of ensuring prevention.

And then finally, our need for a detox facility as an immediate need right now. The severity of withdrawals to fentanyl is really concerning. And right now, we have plans to build a detox facility, but through the bureaucracy and through the lack of funding resources it's been really challenging. We've raised \$15 million over the last few years at lobbying for this very issue and we need \$12 million more to finish the project.

There's so much more to this. More time is needed for really, really grasping and getting into the weeds of what needs to be done. But those are the three top priorities for Lummi Nation.

Thank you.

Sen. Cantwell Witness Q&A

[\[AUDIO\]](#) [\[VIDEO\]](#)

Sen. Cantwell: Thank you, Mr. Chairman and thank you for allowing me to proceed with the questioning.

I wanted to talk about law enforcement specifically since several of the chairmen and council members brought that up. I want to say at the opioid summit held by the Northwest Portland Office, that was at Tulalip, I see some fascinating treatment work being done by Indian Country, holistic, simplistic, and certainly responsive to on reservation focus.

So, I don't want to diminish that side of the equation. But what I feel and hear, particularly, Mr. Chairman, from the Lummi, is that without the adequate Tribal law enforcement resources, I almost feel like Indian Country is being targeted. That people know that you don't have the law enforcement, that you don't have the capabilities, and that's where people are setting up shop.

And then consequently, what's happening is the money is so good everywhere, that the drug is just being made as quick as possible and as powerful as possible. And people don't even know the impact of it. And the consequences, you had - I'm not I'm not clear was four or five deaths, but you had five deaths, four related to this in one week.

So, Mr. Chairman, Azura mentioned the fact that he wants help from the BIA justice law enforcement. And in your case, we tried to partner with the FBI, but that was even - I'm not saying kludgy, but there are issues of how you all coordinate, and how we get the FBI to come out and do a bust with you because you had to get that product off your reservation. You knew how deadly it was, and you had to respond. But who were you calling? Who were you calling to help you respond to this crisis?

So, I want to know, Senator Mullin and I have introduced the Parity for Tribal Law Enforcement [Act], a self-determination contract for federal law enforcement officers making them eligible for benefits as a way to try to build capacity on reservations.

But what are the two or three things we need to do to help right away with better law enforcement tools for Indian Country to help fight this? And if I could hear from each of the three Tribal chairs here?

Chairman Hillaire: Thank you, Senator and again, thank you to the committee for holding this hearing.

Yeah, law enforcement is a big issue. And not only that, the severity of this drug, and us being a close-knit community, just the smallest amount is deadly to us and impacts our future generations. So, it's a really serious problem.

And at Lummi Nation, we come against issues that pertain to jurisdiction, especially when we have a reservation that is a peninsula. A road that goes, we call it going around the horn at Lummi Nation, and it's surrounded by water. And the road has a right of way by the county, which is an access road for non-Tribals living on fee land as well as for the Lummi Island ferry residents, which is not reservation land.

And so, what do we do when we implement checkpoints, and we have somebody who is non-Tribal, and there's no reasonable cause, and they're bringing drugs under reservation? And it's always an ongoing issue.

And I want to back up just a little bit. Before I mention a little bit more on some of law enforcement thing. This is a leadership issue. And even just based on everything we've heard in this short amount of time, we can already see the complexity of how we're supposed to address it.

It is law enforcement, it is prevention, it is intervention, it is rehabilitation, it is workforce, it is housing. You know, there's so much to this and I think, a way for us to ensure that we have resources, and the area of law enforcement being one of them, is that the United States declare an emergency, a National Emergency to fentanyl. That way we can tear down the barriers, tear down the bureaucracy, everything that's hindering our ability to take care of our people.

Ensure that we don't have to compete with our brothers and sisters across Indian Country for a grant that helps us with law enforcement through DOJ or through other program services to ensure that we don't have such extensive reporting systems to ensure that we have direct funding because as you can hear, we know how to take care of ourselves.

But going back to enforcement, I think we definitely need more resources in BIA, DEA and the FBI. The lack of prosecutions from DOJ and local authorities, we also need the ability to prosecute and hold accountable non-Indian drug dealers who are murdering our people through this drug, fentanyl, and car fentanyl and all the various versions of it.

The lack of the Tribal jurisdiction over non-Indian drug dealers coming onto reservation undermines our efforts to combat the drug crisis and protect our community. And we urge Congress to recognize special criminal jurisdiction over non-Indians who committed drug offenses in our communities. And I'm sure we'll see more through the act that has been introduced.

And you know, right now we do everything we can to exert our sovereignty to protect our children. You know, we have this, this very scary image of car fentanyl, which seems to be reaching our smaller communities, which is 100 times stronger than regular fentanyl, 10,000 times stronger than morphine, and if it is sitting on a coffee table where there are children, then we have to get this drug off of our reservation.

And so right now we're doing everything that we can with the resources that we have, with the ability of getting the FBI agents to Lummi Nation, we work closely with them. We got over 4,500 pills off of the reservation just within a few days with that, the checkpoints and canine units. And so, we're going to keep going doing everything we can.

But it does come down to a matter of resources and brings up what we mentioned earlier, when we go into drug interdiction, when we get over 4,500 pills off of the road, our beds become full at our stabilization center. And that's why there's so many different pieces to this. But if we start with the highest level possible that the United States of America declares this National Emergency, I believe that that we can overcome a lot of the barriers that we're facing. Thank you.

Sen. Cantwell: I know my time has expired, Mr. Chairman, so I'll let you take it for the record, or you can give them 30 seconds. I didn't know if they wanted to respond quickly. 30 seconds. I know, that's not a lot of time to respond.

Chairman Azure: Sure. And I want to thank Chairman Hillaire for hitting the major points. But to break it all down, what we're asking for our resources that cannot be taken away.

I know I'd mentioned earlier with the detailing of our law enforcement. Let's just be honest, in the state of North Dakota, we have five Tribes and one FBI agent. And we do understand that violent crimes will take that FBI agent to a different case and that prolongs the cases and investigations.

And right now, the bureau is currently sitting on a mutual aid agreement that we had brought forward. They are still sitting on that as why I've mentioned earlier that the Turtle Mountains have moved forward in self-determining our own Tribal drug task force, because we can't wait any more. And I speak on behalf of all Tribes that we refuse to wait any more and we'll do what we can to save our next generations. Thank you.

Councilman Kirk: Just real quick, one of the things for me is Amtrak. You know right now; Amtrak flows right through reservations in Montana. When do we become sovereign and be able to inflict that when it comes to our reservations?

I can go as John tester to Spokane, without an ID and somebody just buys me a ticket, and they scan it off my phone. When are we going to be able to put drug dogs and enforce those as soon as that Amtrak hits our reservation boundaries?

As we continue to battle that, the other thing is just over here at the BIA formulation, they're bringing data to the Congress that states that major crimes, rapes, homicides, and everything are down in Indian Country 50%. So, when we come for more funding, in those aspects that in Public Safety and Justice, that's why we don't get an increase because it shows there's a decrease.

But once you talk to Tribal leaders and you talk to people, we need to get the right data out there that helps us when it's coming to you guys to be able to help us with the funding that we need. If there's a decrease you guys don't see a reason for an increase. So, without numbers and the right numbers we're not going to be able to fund and be able to do the things that that my brothers and sisters need on different reservations and also on ours. Thank you.

Sen. Cantwell: Thank you.