

## Statement of John Dossett Regarding a Question of My Integrity

October 3, 2018

Recently the internet site Indianz has published a story about me, making horrible accusations and spreading false rumors. The allegations include that I am a known sexual predator and the NCAI leadership has looked the other way. All of this is false, and very harmful to me and to the organization. I have attempted to comply with NCAI's confidentiality policy about these matters, but it has backfired. False allegations go in the news, and nobody hears what really happened. My reputation and career are in jeopardy, and I need to respond. I don't intend to be defensive, but I need to be transparent about what I did and didn't do.

Here's the executive summary: 1) I have not sexually harassed anyone, and the facts are detailed below. 2) This is a power struggle by Nicole Hallingstad aimed at Jacqueline Pata. My reputation and career have been sacrificed in that battle. 3) The Indianz story disproves itself. I have been prominently labelled as a "sexual predator" in the midst of the #MeToo movement. Yet, no victim has come forward. There aren't any.

We are in a time where there is little sympathy for a guy who claims to be falsely accused of sexual harassment. I get it. This is the time for an important social movement to protect women from sexual harassment and violence. That movement is vastly more important than me or my career. I want to start by acknowledging the importance of the #MeToo movement, and trying to do the work of owning my actions. I will end there as well, and in the middle try to explain how I got into this unfortunate situation.

### 1) Supporting the #MeToo Movement and Owning My Actions

The #MeToo movement is long overdue. For many decades in the workplace and everywhere, women have been harassed and assaulted. If they report misconduct, they are disbelieved and their careers are damaged. If they don't report misconduct, they are forced to live in fear. The purpose of the movement is to change the culture that enables some men to get away with this, and to require all men to take a stand against behavior that objectifies women.

I want observe my own actions. I am a 53 year old man who grew up in the society that needs to change. But these social changes aren't new; they have been coming in waves my entire life.

I gained consciousness in the 1970's, and that was a pretty good time for a young man to have his consciousness raised. We had the *Free to Be You and Me* record, and I listened to it hundreds of times. The Equal Rights Amendment was in the news every day. Helen Ready was belting out anthems to female empowerment. My favorite aunts didn't get married; they got jobs and went on adventures. Time Magazine awarded its "Man of the Year" award to "American women," and I recall reading the article without giving it a second thought. Of course women should be equal. That seemed natural.

The 1980's weren't so good for women, and I was affected by that as well. Society slid backwards. Women were judged more on appearance, and I remember getting called out on that by one of my law school classmates. That was also a time when raunchy humor was prevalent and it objectified women. Go back and watch some old episodes of M\*A\*S\*H or Saturday

Night Live, and they make you cringe. I need to reexamine that. I try to avoid it, but I know I have made some inappropriate jokes in unguarded moments.

The 1990's got better. In the early 90's I was in Portland, Oregon and it was about Riot Grrrl and the movement. Women were fierce and they stood up for themselves and I admired that. It seemed like the natural trajectory of women's empowerment was back on course. In 1995, I started working for NCAI as an attorney, and that affected me profoundly. I got married in 1995 to my strong and independent spouse, had a baby girl in 1996, and became NCAI General Counsel in 1997.

Early on in my career with NCAI I vowed to always be professional with women in the workplace. I had at least six reasons. (1) It is morally wrong to harass anyone. (2) I'm married with kids and that responsibility comes first. (3) After that, the job comes first and you need good working relationships with female colleagues in order to get work done in DC. (4) I'm a white guy working for a Native organization. This is thin ice. Only an idiot would misbehave in these circumstances. (5) I admire strong, independent women who stand up for themselves, and wouldn't dream of harming those relationships. (6) It is a sacred responsibility to work for NCAI, and I would never disrespect the mission of the organization by engaging in behavior that would undermine our collective work.

I have been the General Counsel of the National Congress of American Indians for nearly twenty-three years serving under female Executive Directors the entire time. I have been a participant in NCAI Task Force on Violence Against Women and the National Task Force to End Domestic Violence, and was deeply involved in both Violence Against Women Act reauthorizations of 2005 and 2013. Although I am a guy, I have been frequently educated and re-educated to be respectful to women. This is all to say that I have a public role in important institutions and a social movement that strongly support women and are much larger than myself.

And yet, I now find myself accused of sexual harassment. Not only that, I have been labelled a sexual predator. I will relate how this happened from my perspective. Of course you can judge the truth of what I say for yourself. Thank you for giving me a chance to explain.

## **2) Workplace Culture Shift at NCAI**

There are some things that happened within the NCAI staff that set the stage, and I need to own my role in that as well. I have worked for NCAI for 23 years, learning first from Robert Holden. For most of my career, NCAI hired young, idealistic staff, and we worked collaboratively with the entire constituency of NCAI. We didn't have enough staff to cover the issues, and we thought of NCAI as not just the staff, but the entire membership and all the tribal leaders and advocates. We faced externally, working with anyone from Indian Country, and open to partnerships, strategies, contacts, relationships, or writing from any source. We had success with that model. The fight against Slade Gorton in the late 90's; protecting the fee-to-trust regulations, the Tribal Supreme Court Project; Trust Reform, the Tribal Law & Order Act, VAWA2013, etc.

Starting about 2014, NCAI began to hire experienced employees from the federal government or corporate world. These employees brought with them a different culture: turfism, stay-in-your-lane, and pass the buck. They faced internally, and mostly tried to minimize their responsibilities. This approach slowed or diminished our work to advocate for tribes on the Hill and with federal agencies. I definitely resisted the bureaucratic culture they attempted to bring into NCAI. That has been a source of the conflict between me and some of the (former) staff. Some issue would arise where NCAI needed to take action, the Executive Director would ask me to help, and they resented it. I was still in a collaborative mindset; they saw it as invading their turf and creating more work. Among a few staffers, latent hostility towards me began about 2014. In hindsight, I should have been more diplomatic. But I don't really respect anyone who undermines the work of NCAI, so that blame lies with me.

If you wanted to understand a little more about my approach to work, you might listen to the Malcolm Gladwell Revisionist History podcast, "The Big Man Can't Shoot." I don't care about personal criticism of me, as long as we were doing our best to advance the interests of Tribal Nations. All of the bureaucrats have left the NCAI staff at this point. We work too hard, so they vented their unhappiness and left. The current NCAI staff is terrific.

### **3) NCAI Midyear 2016 in Spokane – Helped Out a Friend, Became the Accused**

After the conclusion of the Spokane Midyear in 2016, a large group of NCAI staff went out to dinner a few blocks from the hotel where we were all staying. Just dinner and a few beers. However, one of my colleagues had too much to drink and passed out around 9pm. I thought I should walk with her back to the hotel because I am a senior staff member. I couldn't just walk off and leave her. Nobody else was helping her, they were making fun of her, and she was a longtime friend. I wanted to be a responsible colleague and that was my role as General Counsel. I roused her and we went out to the street.

She was in a stupor, not aware of her surroundings, and there was a lot of traffic in the street, so I held her arm as we walked two blocks. As we got to the hotel entrance, she woke up a little bit, started mumbling, and I asked for her room number to help her find her room. That startled her, and she jumped out towards the street, heavy with traffic. I saw headlights and held tightly to her arm, or she would have been hit. We swung towards the front door of the lobby and encountered another former NCAI staffer. She seemed more alert and she went off to the elevator. I thought that was all there was to it. I felt virtuous. I helped out a friend, kept her out of the street, and packed up for departure.

Five weeks later I learned she felt differently, and had reported that to the Executive Director. I was asked to respond to an allegation that although she wasn't sure what happened, she was uncomfortable that I wanted her room number, and thought it was because I wanted to take advantage of her. I was flabbergasted by this, and I still am. It never crossed my mind. I was just trying to get her safely up to her room so she could avoid further embarrassment.

In hindsight, I can get a glimpse of her perspective. She woke up on the street with a guy asking for her room number and gripping her arm. She got startled and afraid. I didn't see that at the time and I have apologized to her for that. But there was no way to know what she was thinking

or feeling, she was heavily affected by alcohol. I believe it was traumatic for her, but my actions did not cause the trauma, they kept her from getting hit by a truck.

Allegations of sexual harassment are very serious matters, and the Executive Director investigated, and concluded that none had taken place. We walked two blocks on a busy public street between the convention center and the lobby of the host hotel during an NCAI meeting. That was all that occurred. Even if she mistrusted my intentions, that isn't harassment. I held onto her arm so she didn't get hit by traffic. That isn't harassment, and I would do it again for her safety. There were NCAI staff and NCAI meeting participants everywhere all around us. It was a very public setting where most everyone knows me. I have been with NCAI for over two decades and had no history of misconduct. I thought the matter was resolved, and hoped to reconcile with my colleague.

I need to examine my own behavior in this matter. I have faced criticism that I was drinking with my work colleagues. Perhaps I was wrong to do so, but we did it collectively. This was not during the conference; it was the evening after adjournment. It was typical for a large group of staff to go out to dinner afterwards and relax after a hard-working conference. We didn't drink heavily, except for one of us. But that is the risk.

I have also faced criticism that I walked with an intoxicated colleague back to the hotel. She was an old friend, and I thought we were just going to walk two blocks. In fact, that is what we did. In hindsight, I should have insisted that someone else come with us on that two block walk.

In the end, this is my version of events, and anyone can believe what they want. I swear on a stack of sacred and legal documents that this is true, and I did not sexually harass my colleague, or anyone.

#### **4) Nicole Hallingstad Finds an Axe to Grind**

Nicole Hallingstad worked as the NCAI staff as Director of Operations. Months after the investigation, Jacqueline Pata told Nicole about the incident described above, and that was my undoing. I am not sure why Jackie decided to tell her about a confidential employee matter, but that is what Nicole reported. Nicole began to spread around a story that there was "an unresolved allegation of sexual harassment" against me. This was wrong for two reasons. First, it was resolved. Second, she was violating the confidentiality of both parties. I think it is fair to mention Nicole by name, because she is quoted in the Indianz story, and she wanted these issues in the public arena.

Why would Nicole do this? I will divert for a little bit and describe the relationship between Nicole Hallingstad and Jacqueline Pata, the current Executive Director of NCAI. Nicole and Jacqueline are both Tlingit, and both serve on the board of the Sealaska Native Corporation. Nicole has a rivalry with Jackie that I don't understand, but seems to have something to do with Sealaska.

Prior to 2015, Nicole Hallingstad worked at Sealaska as the Vice President for Communications & Corporate Secretary. According to the 2015 Sealaska Annual Report, Nicole's employment was terminated and she received a severance payment. The Annual Report doesn't say why her employment was terminated.

Jackie hired Nicole as NCAI Director of Operations in 2015. From the day she started, Nicole was trouble. NCAI paid her a good salary, and she used it to create more headaches than we ever had before. Nicole never saw a task that she couldn't force on someone else. Nicole likes to wield power, and she wanted Jackie's job. I found her difficult to deal with because she isn't really interested in federal Indian policy; she just wants to be in charge. I thought it was odd that we hired someone like that, and tried to avoid her. I don't understand why Jackie hired her, and I don't know why she kept her on. Both Jackie and Nicole have elected seats on the board of Sealaska. It is unfortunate that those politics came into the NCAI staff.

Nicole's primary mode of attack came in the form of complaints that Jackie was mishandling employee matters. It wasn't just my incident; it was anything she could find. She criticized Jackie to the Executive Committee for every possible issue, and she spread her concerns among the staff. That included her allegation that there was an "unresolved allegation of sexual harassment" against me.

Wow, rumors can get distorted. The organization was keeping everything confidential, while an untrue allegation was circulating. I can understand why some of my female colleagues at NCAI became concerned. Somehow I became a "predator."

## 5) Nicole's Friend Picks Up the Axe

Another colleague, a friend of Nicole, heard Nicole's story about me, and decided to bring matters to a head. She filed her own "sexual harassment" complaint against me. I think it would be fair to mention her by name because she is on Twitter discussing her role and is likely one of the anonymous sources in the Indianz story. But I won't. On February 26, 2018, she filed an "official report of sexual harassment" against me, because she alleged I had once used a crude expression, over a year and a half earlier in the same lobby of the Davenport hotel at the Spokane Midyear. She described how after the conference ended, a group of NCAI staff were watching soccer on the hotel lounge's TV. Here is an excerpt from her report:

As we began to gather our things to head up to our hotel rooms, John Dossett asked the group, "So what's the plan?"

I shared with him what Brian had outlined—that we'd have some down time and meet back in the lobby around 6:00pm to head to The Onion.

"Not until 6:00pm? What are people going to do in the meantime?" he asked.

(Others continued to chat—we were engaged in a side conversation, at this point)

I said, "I don't know...I'm probably going to take a nap."

John retorted, "**Alright, I guess I'll go beat off in my room, then.**"

I was completely shocked and appalled that he, the General Counsel at NCAI for more than 20 years, would make **a reference to masturbation** in my presence and be so nonchalant about it. It was *completely repugnant* and it made me *deeply uncomfortable*. I made a swift exit to the elevators.

I had been the General Counsel for more than 20 years because I don't use expressions like that. I believe I said "**Alright, I'll go back up to my room, then.**" She likely misheard me. We

were in the lobby of a busy hotel, TV blaring sports, crowds all around us, and that ugly expression is one I never use.

She also realleged the prior “unresolved allegation” but not on her own behalf. By now, there was a small group of NCAI staff who were out to get me. Why? Because Nicole was spreading the story of the “unresolved allegation of sexual harassment,” and partly because of the workplace culture concern I mentioned above.

## **6) The Official Investigation by Sadina Montani**

Now Jacqueline Pata had a problem. She had an official complaint of sexual harassment against me, and a small group of employees who were up in arms. She had to do something, or they would take the issues to the Executive Committee, just like Nicole had done previously. Not only that, Nicole would continue to allege mismanagement of employee matters in the Sealaska political arena that both Jackie and Nicole inhabit.

Jackie hired Sadina Montani with the firm of Vedder Price to do an official investigation. Sadina interviewed a number of people on the staff. I don’t know who she interviewed, nor have I seen her report. She interviewed me. I told her what I have outlined above.

I also told her my concern that Nicole was wrongly disseminating confidential information and instigating a series of misleading employee complaints in an ongoing campaign to discredit Jacqueline Pata. That Nicole appeared to be engaged in some sort of grudge or power struggle with Jackie, and confidential information was being misused in a harmful way.

Afterwards, I sent Sadina a memo with my concerns about Nicole’s false allegations and misuse of confidential information. Quickly I received a call from Jackie. She told me that I was not considering the best interests of the organization. Nicole had to be handled with “kid gloves.” I asked if I would get an opportunity to respond to the false allegations. Jackie replied “never.”

Because of this, I believe Sadina Montani was instructed to ignore my concerns about Nicole Hallingstad and the way she spread false allegations among the staff. The investigation was compromised by the political rivalry of Nicole Hallingstad and Jacqueline Pata. It was diverted from a search for the truth of the matter, in an effort to placate Nicole Hallingstad by responding to her false allegations. I became the fall guy.

On May 2, 2018 I received a disciplinary memo in my personnel file. I didn’t recognize myself in the allegations of “unprofessional and inappropriate behavior, including yelling, bullying, being disrespectful, speaking over colleagues, insulting and derogatory emails, and sexually-charged comments.” I work from Oregon, and my interactions with most of the staff come only at formal public meetings, and on conference calls. I don’t make sexually charged comments. I don’t yell or bully over the phone. I am not saying that my behavior is perfect. However, most of these complaints are exaggerated or untrue.

When Jackie discussed the results of the investigation with me, she said that “people came out of the woodwork” to complain about me. At the time I wondered, how did that happen? This was an investigation of a particular matter, not an open call for complaints. Now we know that there has been an organized campaign by Nicole Hallingstad, as part of her effort to undermine the

Executive Director. The Indianz article indicates that they interviewed seven former NCAI staff, all of them willing to make baseless allegations against me. A confidential investigation works if the participants are honest, but falls apart if they have motives to fabricate complaints.

For nearly a year, Nicole Hallingstad had been spreading concerns that there were “unresolved allegations of sexual assault against John Dossett.” This was false, but I can understand why some of my female colleagues began to mistrust me. Anyone would look horrible through the lens of an “an unresolved allegation of sexual harassment.” That mistrust transformed into the insinuation and innuendo you see in the Indianz article. It was present during the investigation, and it was based on the false allegations of Nicole Hallingstad.

I also believe some of the hostility came from the workplace culture issues I mentioned above. I would characterize my behavior as adamant that the NCAI staff must work hard to fight for tribal sovereignty. I was insistent that we do the hard work of communicating with tribal leaders about the details of important policy issues. I believe NCAI must put pressure on Congress to uphold its obligations. That work ethic didn’t endear me to the people who complained to Sadina Montani. They got a free, anonymous complaint box in the Montani investigation.

When I received the disciplinary memo, I didn’t question the findings because there is no way to win with anonymous complaints. I was told that the investigation was confidential and that there would be a change in my job title. I decided it was in the best interests of the organization to move on and get back to work. With the Indianz article, it is clear that the investigation was not confidential, and this is why I need to tell my story.

## **7) The Indianz Story**

Nicole Hallingstad resigned from NCAI on August 20, 2018, and on August 28 the story about me appeared in Indianz, with Nicole prominently quoted. It was unbelievably painful to read it. I was labelled a “sexual predator.” I have no idea where that came from. I have been faithfully married to my wife since 1995.

In some respects, the article disproves itself. It labelled me as a sexual predator, at the height of the #MeToo movement. One month later, no victims have come forward. Zero. This is because I have never sexually harassed anyone.

## **8) My Future With NCAI**

I don’t know what my future holds, and that causes quite a bit of anxiety. I’ve lost fifteen pounds, I can’t sleep, I went to the doctor and my blood pressure is now a problem.

I know this is tough for the Executive Committee and for the rest of the staff as well. Politically, this is a nightmare. I know that there is a desire to just get rid of me, and maybe that will happen. This is possibly the worst time to have an accusation of sexual harassment, no matter how vague and unsupported by any actual victim.

But, I need a chance to clear my name, and that is the purpose of this response. If I resign under this cloud it will be very difficult to find work as an attorney again. It has surprised me that there has been no investigation of the broader allegations in the Indianz article. No one has asked me

a single question, and I am not aware that any of the NCAI staff have been asked about their experiences with me. I have been accused of being a “sexual predator” but the Indianz story identifies no victim and none have come forward. Other former employees have come forward with positive accounts of their experiences with me. Our Employee Handbook says that allegations will be investigated. I believe the Executive Committee has a responsibility to direct a thorough investigation and get the facts clear.

After that, if the Executive Committee feels I must be forced to go, I would like enough time to transition all of the projects, issues and documents that I have managed for over two decades. I have managed a lot of issues and projects. I have many thousands of original documents. I have cultivated relationships with hundreds of attorneys who work with NCAI collaboratively, often pro bono. The issues have come fast and furious for decades, and I want to hand them off in a good way. I have had a terrific career at NCAI, have deep experience on a broad range of legal issues, and I am an asset to both the organization and the field of federal Indian law. But if NCAI wants to move on, I would like the opportunity to transfer my work in a responsible way.

I always thought I would spend my career working for NCAI, and trying to make a difference for Indian Country. Maybe that won't happen. But I would like to say thank you to everyone I have worked with, and offer my apologies that it all ended so suddenly and strangely.

## **9) Back to the #MeToo Movement**

Everyone is reading and learning about the #MeToo movement, and I have been trying to learn about it as well. I am going to paraphrase from a female friend of mine who is very smart.

There are going to be accusations against men, but those accusations need to be fairly investigated. This is a responsibility to not just the accused, but also to the victims of sexual harassment and assault, to ensure that actions taken under the banner of #MeToo are taken with care and consideration. False or misleading accusations will undermine the credibility of true accusations.

The accusations against me are not #MeToo allegations. There are no victims coming forward to tell their story. Instead, it is Nicole Hallingstad coming forward to tell somebody else's story using vague and misleading allegations. Her motive is to get me fired, and to undermine the leadership of the organization. That isn't what the #MeToo movement is about.

I hope that I get more investigation. I encourage greater transparency. Only by being open and transparent can critical details emerge. Action without the full picture, in response to this poorly sourced article, would be wrong.

I have been very fortunate to work for NCAI since 1995. Whether I continue to work for NCAI or not, it is my greatest wish to restore the trust that we have in each other, and I hope that you will give me the chance to do so.

Very Respectfully, John Dossett