

Promoting Diversity in the Court System: Troy P. O'Dend'Hal

John Caher: Welcome to Diversity Dialogues, a production of the Office of Diversity and Inclusion in partnership with the Amici Podcast program. I'm John Caher.

I'd like to introduce you today to Troy O'Dend'Hal, a principal court analyst who joined the court system just a year ago. Troy's heritage is Native American and Puerto Rican, and perhaps the best introduction I can provide to his career is to simply read his own description from his LinkedIn page:

"Servicing the various communities globally and locally in New York City has been my calling for more than 20 years. The main focus of this work has been a direct involvement in community outreach, community organizing, and the Socio-political economic development and empowerment of young people in under-represented communities, both locally and globally."

In November 2019, Troy accepted a position with the court system as a statewide human resources training manager.

Troy, it's a pleasure to have you on the program. Let's start with the present and work our way back, if we could. Why did you join the court system— and just what does the “statewide human resources training manager” do?

Troy O'Dend'Hal: Well, in the Office of Training and Professional Development, a statewide training manager does all kinds of things from the training of the onboarding of employees, providing supplemental training in technology based software like Excel and WordPerfect, that transitioned from WordPerfect to Word. We also do specialized trainings for senior court clerks, supervisory trainings. We also do mandated trainings, whether it be sexual harassment or what we're doing now, which is our security mentor training to increase our cyber security capabilities.

Our intentions basically are to increase the capacity and dexterity of the civil service workforce that we have here, as well as provide any augmentation of services to maybe the Judicial Institute or other kinds of trainings.

John Caher: How has life in that arena changed due to the pandemic?

Troy O'Dend'Hal: Oh, it made everything a lot more online, as you can see. A lot of it is making a transition — instead of being a travel team in training, to be an online resource that people can click a button and get trainings instantly. So, what the pandemic is providing for, or facilitating, is a way of getting everybody online, informed, and capable of being able to have a system at-home telework that is effectual for this court system.

John Caher: Do you think that's a paradigm that will continue post pandemic?

Troy O'Dend'Hal: If you look at the ADA aspect of the courts, it really helps for our people who are dealing with some kind of physical or disability challenges, where they will have better access. I think it only increases the dexterity of the courts, the reach of the courts, and as well as creating more service points where courts did not have that before. So instead of slowly moving towards that, we have now been pushed into it.

John Caher: Interesting. Society-wide, the pandemic may have forced us to do things technologically that maybe we should have been doing otherwise.

Troy O'Dend'Hal: Well, I think it's a great growth spurt, if you want to talk about it. We can put it in that juxtaposition.

John Caher: Yes. Yes. Now, you came to the court system with an interesting and unusual resume. You worked for the Kings County DA and the US Department of Commerce. You've worked in Indian Health Services. You have a bachelor's degree from CUNY, a master's from Baruch College, and you're currently attending MIT, working on a certificate in Sustainable Urban Infrastructures. Much of your career has been spent with the federal government, not the state. So. what brings you here? What makes you a good fit for the court system, and what makes the court system a good fit for you?

Troy O'Dend'Hal: Sure. A lot of the work that I've done at the federal government was creating capacity. Capacity within staff, capacity within the organizational structures of what we were using, whether it's at the Federal Transit Administration or the Department of Commerce. My focus was on learning knowledge management, and that's exactly the role I was invited into here at courts. It's a way for the courts to once again grow in terms of creating a knowledge base for civil service employees and for its management employees. Also, it's a way for us to make that transition, which the pandemic has now forced upon us, to create an online library and online access for on-the-spot training.

: That's where my fit into the court is. That's where I see it going. I think the growth potential for the position is amazing because of the pandemic, and it just seems like there was a little, I'm going to say, forbearance by the courts of seeing something like this happening by being that innovative in creating positions like the Office of Training and Professional Development to move its learning online. So, kudos to the court for actually being Johnny-on-the-spot, if you will, and sort of addressing these needs even before the pandemic came up.

John Caher: You seem to be the right guy at the right time.

Troy O'Dend'Hal: I only hope I can play a role that effectuates capacity. That's my thing.

John Caher: Now, one of the things I neglected to mention is that for the past quarter of a century you've had your own consultant business.

Troy O'Dend'Hal: Yes.

John Caher: What is it, and are you still doing that?

Troy O'Dend'Hal: What it has been for me is a way to sort of create capacity in the community that I work for, whether it in the Latino community here in Brooklyn, or in an Indigenous community on the wider broad set. What I try to do in that aspect of my life is to create services for underrepresented peoples, and particularly, especially after 9/11, I was working with the Muslim community here in the City of New York to help build bridges into that community, as well as working with economically underrepresented communities where they're not receiving the kind of financial literacy, which has been my pet thing. A lot of my work has been in the area of creating financial literacy and a financial knowledge base for inner city young people, as well as adults. I've done a lot of training and curriculum development in the ideas of financial literacy. A lot of it is financial literacy, housing rights, Indigenous rights, as well as international Indigenous rights, as well as working with the Latino community. In particular, the Puerto Rican community here in New York City.

John Caher: What is the name of your consultancy?

Troy O'Dend'Hal: Troy Patrick O'Dend'Hal Associates.

John Caher: Makes sense. Now let's take a step back, a big step back, if we could. You were born in Brooklyn, and I believe you told me offline that your mother is Native American and was born on a reservation.

Troy O'Dend'Hal: Yes.

John Caher: Tell me about your maternal roots, if you would. What tribe? How did she end up in Brooklyn?

Troy O'Dend'Hal: Sure. My mother is a member of the Blackfeet Nation in Browning, Montana. She was part of the Indian Child Welfare Act removals, where she was brought to a boarding school here on the East Coast. At a very early age, she would depart herself from the boarding school from time to time until she made her way up here into New York, where she found a foster family, and she became part of the entrenched Indigenous community here in Brooklyn.

That community kind of relegated itself around State Street and Atlantic Avenue. A larger part of that community was Mohawk from Tonawanda and Tuscarora and Cayuga and various different reservations around the state. They were steel workers who worked on the buildings that were going up. At the time she hung out with people who were working on the World Trade Center, who were working on Chase Bank, who were working on all these buildings, but she got to intermesh with that community and became a part of the Indigenous community here. New York City has the second largest population of Indigenous in the country, next to Los Angeles.

John Caher: I'm amazed. I think a lot of people will be surprised with that, as well. Now, was your mother separated from her parents when she was moved east?

Troy O'Dend'Hal: She was part of the Indian Child Welfare Act, where children were removed from the reservation system and put into boarding schools where they were taught curriculum that was based upon assimilation and acculturation. So, not allowing them to speak the Indigenous language, not allowing them to have Indigenous dress, cutting their hair or keeping hair short, especially for the young ladies. There was a lot of rigid inputs into that, and that didn't really change until the Collier Commission, until FDR, and my mom was born at the tail end of how that was done. That's not done in the United States anymore, though the law is still on the books ... It's still within the United States code, yet that particular part of the code is not enforced.

John Caher: That sounds terribly unfair.

Troy O'Dend'Hal: It is something that the history in the United States is still working through, and the recent court case in *McGirt v. Oklahoma*, that had to do

with resource rights. Half the state of Oklahoma was reverted back to the original treaties that were signed by the various different tribes that were there—Comanche, Creek, Cherokee. We're still working through that history and I hope that we have the fortitude to go on having the conversation.

John Caher: I hope so, as well. Now, your father is Puerto Rican, and you were telling me something fascinating earlier about how many people of Hispanic heritage actually have Native American roots. Can you tell me about that?

Troy O'Dend'Hal: Sure.

Most of the Western Hemisphere before Columbus was actually Indigenous, and the population that was colonized either by the Spanish, the Portuguese, the French, the British, or other post-colonial nations, they were colonizing populations that were already there, and those Indigenous populations transmitted into the larger Latino populations or Spanish-speaking populations, whether in Honduras, Mexico, Costa Rica, Bolivia. These nations are predominantly Indigenous nations. They call Mestizos (mixed or two races)... in Bolivia itself, 83% identify as Indigenous. In certain parts of Paraguay, Uruguay, especially those countries that are a little less colonized, you'll find that majority of populations identify as Indigenous before they identify as Spanish and/or Latino.

John Caher: How do you identify?

Troy O'Dend'Hal: I identify as a mixed-race individual of Indigenous and Latino descent, and an American, of course.

John Caher: That's a good way to put it. Thank you. What was your childhood like growing up as a walking, talking melting pot?

Troy O'Dend'Hal: Well, growing up in Brooklyn, you have that everywhere. One of my best friends was Puerto Rican, French and Vietnamese. Another one was Costa Rican and Spanish. Another individual was Trinidadian and African. So, I was living in the diaspora.

The one thing that New York does, and we have even in Buffalo and even in Albany, we have a lot of very unique people from different walks of life. I did have to do a lot of code switching, whether it's speaking

[Siksika¹] or speaking Spanish, I've had to do that. But most New Yorkers, you'll find that we know how to sort of do that in the different communities we operate in and the courts are excellent in being able to do that right now.

John Caher: I'm very glad to hear that the courts are doing a good job on that. Now, you obviously embrace your multicultural heritage. Was that always the case, or was there a point in time where you decided to do that? Or was it something your parents instilled?

Troy O'Dend'Hal: It was something in the communities I involved myself. I had the opportunity and the luck to be part of the Indigenous community here in New York City for a long time, so there was always the idea of giving back, and being part of the Latino community, whether it'd be on the Board of Directors at United Puerto Rican Sunset Park or sitting on the National Latino Coalition on AIDS. There's a lot of work that I've done in both communities I'm very proud of, but a lot of that is still trying to support the various different communities here in New York, as well as nationally and globally.

John Caher: Now, I know you distinguish between what you call your "government name" and your "Indigenous name," which I think is pronounced "Is-In-House," correct?

Troy O'Dend'Hal: Yes, it is Isinhouse. Yes.

John Caher: What is a government name, and where does Isinhouse come from?

Troy O'Dend'Hal: Isinhouse, from the family tradition, came from where it was told that our family didn't have a technical last name. It was around the time of, I think the story goes, around 1860 to 1862, somebody in the family line was born in a house, and that's where that last name supposedly came from.

There are different names that our cultures have. A lot of people in Ellis Island were given change of names when they got here, and a lot of the Indigenous community didn't have last names. My mother's last name came from her adopted family, and my father's last name is Iglesias, but my mother never took that because that's not the tradition in the family. So, that's where the names come from.

John Caher: Where does O'Dend'Hal come from?

¹ Algonquian-speaking people from the North American Great Plains. They were the largest of three Blackfoot-speaking groups that made up the Blackfoot Confederacy in the United States;

Troy O'Dend'Hal: O'Dend'Hal, that gentlemen in particular goes all the way back to the Revolutionary War. He was an adjutant for the Marquis de Lafayette. A large part of the family settled in the Northern Virginia-Maryland area, and the other part of the family settled here in New York. O'Dend'Hal has a rich tradition in the American Navy. My brother himself was a Master Sergeant in the Marines. We are a big military family on that side.

John Caher: But wait a minute. O'Dend'Hal wasn't your father's last name or your mother's, right?

Troy O'Dend'Hal: No. No, but my brother did maintain the mantle of O'Dend'Hal by going into the Marines, and the Native side of the family is all military.

John Caher: I see. So when you were a kid what was your last name?

Troy O'Dend'Hal: O'Dend'Hal.

John Caher: Okay. Okay.

I believe New York State alone has, I think, eight different federally recognized tribes, each with their own identity and culture and history. Is there any affinity among the tribes? In other words, do you identify in any way with the Mohawk or the Seneca or the Tonawanda?

Troy O'Dend'Hal: They are part of what's called a "Longhouse culture." My people are from the Plains and we were very mobile, and we had different ways of honoring the ancestors and creating ceremony. Their ceremony here in the Northeast is around what we call a "Longhouse culture," and we appreciate that there's a difference there. Now, I've been on all the reservations in New York State, even the ones that are not federally recognized, whether it's Shinnecock or Poospatuck on Long Island, or the various different Indigenous communities that established themselves in urban areas, whether here in New York or in Buffalo.

There's a lot more Native or Indigenous communities than there are shown, the federally recognized ones, and their struggles are very unique to them. There's a lot of hope here in New York State that the conversation is progressing. I think for my state of Montana, it's a little different. Each respective nation and each respective tribe has their own conversations with their Indigenous populations, and it's my job as an Indigenous person here living in New York to respect the Longhouse culture, whether it's Lenape or Mohawk. I operate with respect for being on their nation territory.

John Caher: Now, you've done a lot of work with Indigenous communities and a lot of work particularly on the issue of HIV/AIDS as it impacts the Native American community. What are the major issues among the Indigenous groups right now?

Troy O'Dend'Hal: Of course, there's always going to be the idea of saving our culture. Languages are starting to pass away with the elder population. Of course, COVID is like what we call the smallpox blanket of the modern age. It is taking a lot of our elders. It is taking a lot of our knowledge away from the land, whether it's on the reservations or in the urban areas, or even people who are just displaced from their nation territory. What we're finding is that as numbers always progress in the United States, Indigenous populations are overrepresented in poverty, under educated, and of course over-represented in the criminal justice system, also as well as suicide, so the challenges are there in every statistical area. So we still have a long way to go, a long way to go in terms of creating that infrastructure that we hope can bring us all together as Americans, as well as bringing us to the realization that there are things out here a little bit more older than America that we still need to tend to.

John Caher: Much of what you mentioned could or has the potential to wind up in the courts or the legal system in one way or another. Are the courts as open as they should be to Indigenous issues?

Troy O'Dend'Hal: This is the sticking point. If Indigenous issues are sovereign issues, the sovereign has to use the federal system and not the state system to pursue the rights claims. If Indigenous populations have to go outside that, there is the ICC, however the United States is not beholden to that. There are policies and treaties that the United States has to remain adherent to, and those are some of the challenges that we see on the federal side.

On the state side, there's always going to be the idea of state control over Indigenous lands, not necessarily in New York State, but in various states. In Oklahoma, it was the *McGirt* case that we were talking about that was just decided this year. The idea there is those sovereign issues taken up with the federal courts, and that's where most of those arguments will lie.

John Caher: Many of these issues have been percolating unresolved for a number of centuries, and I've heard it said that the reason Native Americans seem to have very little political clout is that either they don't vote or they don't vote as a bloc. What are your thoughts on that? Should the Indigenous people be more politically active?

Troy O'Dend'Hal: Well, I will point out that we have two beautiful, super intelligent leaders in the United States Congress, both Native American women, for the first time in history. We can talk about the statistical number there. Native Americans represent about 1% of the United States population, so of course they're not going to have that much political clout at that point.

We talked about the idea of sovereignty. In the *McGirt* case, we saw sovereignty on full display. What we'll see going forward, depending on the construction of the court and how it's going to go forward, is that how is that going to be taken as precedence?

So the idea there is the conversation of being underrepresented in certain way, especially in a political clout, that goes for this state. In this state we're not as prevalent, let's say, as North Dakota or South Dakota. In those states, they're electing Indigenous populations. There are places in the Midwest, Montana included, where if the Indigenous population votes a certain way, they will put in somebody. Whether it's Senator Webb in Montana or the young Congresspeople from the Midwest. The political clout is actually developed. That clout that we're talking about is developing more than has before. It's becoming more focused and more sort of energized. But once again, we're talking about 1% of the population.

John Caher: I didn't realize that you were that small of a minority. At 1%, even if you got everyone together, you wouldn't be able to make much of a difference politically.

Troy O'Dend'Hal: Well, if we're going to run to cultural identifiers, there are populations throughout the United States that will be able to push certain other populations to put their representation within the Congress. We can think about Congresswoman Omar. We can think about Miss Ocasio-Cortez. They are being propped up or they're being brought up by political clout in very specialized way. The way the United States system works is through representative democracy. It's working because you're getting people who are of Somali descent, who are of Egyptian descent, who are of Palestinian descent, Puerto Rican descent, in the Congress.

The one thing that the United States holds, and I hope that this remains sacrosanct, is that we are representative of the people that we are serving. We do it in the courts, and we're doing it more and more in the courts in New York State than ever before. New York is looked to as leader in that aspect, but we're doing it more and more as a country, even with the pushback that we've been getting recently. I think that that representation is a benefit to the United States and not a distractor.

John Caher: It seems that the court system has made an effort here. I mean, the New York State, the consortium of the Federal-State-Tribal Courts has been around for a while and seems quite eager to reconcile those inevitable, I wouldn't even call them conflicts, but those tensions, those contradictions in laws and in customs and rules. Is that the case?

Troy O'Dend'Hal: I think it's happening more and more because the conversation, as I said before, is developing. With *McGirt* out there, there's a pivot point. I mean, *McGirt*, it's a watershed moment in the idea of Indigenous resource rights and lands and self-governance. Those sovereignty issues are being developed, and I think those conversations that are being developed are great, especially on the East Coast. But when you're dealing with, let's say, entrenched parties in the Midwest and in certain places in the Northwest, where the idea of land is a hotbed issue... Whether it's the Bureau of Land Management, whether it's the idea of, I don't want to use the word manifest destiny, but in some political circles that's still the idea. So, it's overcoming that.

On the federal side, if you're dealing with entrenched parties who are very much for the use of Indigenous identified territories for land use, there's going to be differences in congressional representation, senatorial representation, and how the courts interpret things in certain areas, so that's the conversation that has to happen nationally. Because locally, it's happening in a way that's progressing, but nationally, depending on the state you're in, it can have a different tone and topic and direction.

John Caher: Now as you mentioned, most of those legal issues are likely to be federal or tribal rather than state-based, but I believe New York has at least one, maybe only one, Indigenous judge. That would be Judge Montour in Buffalo. Is that correct? Is he the only one, as far as you know?

Troy O'Dend'Hal: To the best of my understanding, of people identify themselves as such, yes. But there's a lot of history in family trees. If you go to ancestry.com, you can shake it and you'll find something falling out, and you're like, "Oh, where did that come from?"

I think they we're a little bit more diverse than we sometimes think we are, and if you look at, especially when you're talking about Latino judges being partially Indigenous in some point, there has to be a little bit more if you ask me. I think we're all in a good way going forward. I think as much as the challenges are that are out there, I think there's nothing we can't overcome because how do you have a place like Brooklyn if you were just really bad people? I just don't get it. I think we're all good. I mean, I love Buffalo, I love Albany, but New York is very special and I

think that's part of it. Whether it's the Roosevelt's or the Rockefeller's even, when you look at what New York's created over the last 200 years, we're kind of lucky.

John Caher: Do you find the court system welcoming to diversity?

Troy O'Dend'Hal: I have not had a bad experience yet.

John Caher: Well, I'm glad to hear that. With that, that's a good place to end. Troy, thank you so much for that very insightful and informative, and at least for me, educational discussion.

Troy O'Dend'Hal: It was an honor to be here on Diversity Dialogues. Thank you so much, John.

John Caher: Thanks for listening to Amici. You'll find all of our recent podcasts on the court system's website at www.nycourts.gov, and you'll also find a transcript of each interview. If you have a suggestion for an Amici podcast, let me know. I'm John Caher, and I can be reached at (518) 453-8669, or jcaher@nycourts.gov. In the meantime, stay tuned.