



ASSOCIATION ON AMERICAN INDIAN AFFAIRS

Protecting Sovereignty ◦ Preserving Culture
Educating Youth ◦ Building Capacity
SINCE 1922

May 26, 2022

Via e-mail only

The Honorable Raúl M. Grijalva, Chairman
House Natural Resources Committee

The Honorable Jesús G. "Chuy" García, Vice Chairman
House Natural Resources Committee

The Honorable Teresa Leger Fernandez, Chair of the
Subcommittee for Indigenous Peoples of the United States

HNRCDocs@mail.house.gov

**Re: Comments on H.R. 5444/S.2907 - Truth and Healing Commission on
Indian Boarding School Policies Act**

Dear Chairman Grijalva, Vice Chairman Garcia, and Chair of the Subcommittee for
Indigenous Peoples Fernandez:

On behalf of the Association on American Indian Affairs (the "Association"), we write to express our support for the enactment of H.R. 5444/S.2907 the "Truth and Healing Commission on Indian Boarding School Policies Act." We stand in solidarity with Native Nations, Tribes, and the Native American survivors, descendants, and families impacted by genocide and assimilation policies carried out in the guise of education. We would like to offer a few recommendations regarding the language of the bill.

The Association is the oldest non-profit serving Indian Country protecting sovereignty, preserving culture, educating youth, and building capacity. Since its earliest beginnings assisting Pueblo Peoples defend their aboriginal lands, cultures and water rights in 1922, the Association was formed to change the destructive path of federal policy from assimilation, termination, and allotment, to sovereignty, self-determination, and self-sufficiency. Throughout our 100-year history, the Association has provided national advocacy on watershed issues that support sovereignty and culture, while working at a grassroots level with Native Nations to support the implementation of programs that affect real lives on the ground.

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The Association has long advocated against genocide and assimilation policies since its inception in 1922. The Association consulted on the development of the 1928 Meriam Report, advocating then to eliminate boarding schools and replace with day schools that would allow children to stay in their homes, with family and community; we have authored legislation to restore cultural rights and religious freedoms to Native Americans; and we've fought to return children - one-by-one - in state courts, which led to our organization drafting the provisions of the Indian Child Welfare Act. Even after ICWA was passed, the Association continued to educate Congress to direct the Bureau of Indian Affairs in 1984, advocating for a detailed day school implementation plan to assure a day school opportunity for every Indian child, instead of continuing with distant boarding schools. The Association has a wealth of history educating the public and the U.S. government about the continuing harm of boarding schools, adoption policies and problems with how Native children are educated - and how the public is poorly educated in public schools about Native Americans.

Despite the passage of the Indian Child Welfare Act and the end of government mandated and funded boarding schools, the legacy of stereotyping Native American children as "less than," "at-risk," or simply ignoring them, has continued. We see this with recent attacks on the Indian Child Welfare Act and through harmful state adoption practices that continue to deplete familial structures and promote the continued removal of children from their homes and Nations. Private adoption practices that circumvent the Indian Child Welfare Act are a modern continuation of genocide and assimilation practices of boarding school policies.

Even as some repatriations of children from boarding school burial grounds are occurring, the horrible burden that some federal agencies have placed on those children's families and Tribes is objectionable. The outright denial from private entities and churches refusing any opportunity to support truth, healing and reconciliation is horribly problematic. These actions are re-traumatizing many survivors, descendants, families, and Native Nations, creating an ongoing and continuing harm.

Congress has an opportunity to right some of the atrocities and indignities that have and continue to happen to Native American children and families. We know much of the pain - but the federal government, churches and other entities hold the information required to begin our healing. We see this bill as a foundation to begin the accountability process and nation-to-nation discussion that honors Native Nation sovereignty, families and culture. It will be a process that will require healing of wounds that go so deep—they travel through generations in the hearts and minds of descendants and families. It will also require the same amount of soul searching and healing from those today within the U.S. government and churches who have inherited the legacy of the harm that their predecessors have caused.

Specific Comments:

While the Association absolutely supports the need for the development of the Commission as a starting point in truth, healing and reconciliation, we do believe minor adjustments could be made in the language of the bill that would better support this foundational work.

1. Definition of "Indian Boarding School Policies." This definition should not be limited to an era starting in 1819 with the Indian Civilization Fund Act.

There is a history that the United States inherited **and benefitted from** that began earlier than 1819. This history and treatment of Native children and families set up the justification for the 1819 Civilization Fund Act and must be included in this research. The first known boarding school was created in the 1600s in Maryland. In 1634, Andrew White of the Society of Jesus established a mission in what is now the state of Maryland, and the purpose of the mission, was to extend civilization and instruction to the "ignorant" Native Americans and show them the way to heaven. In 1677, the Society of Jesus opened a school for humanities to bring Native students to a "higher state of virtue and civilization."

In the 1700s, similar schools were established by missionaries and other religious groups, prior to 1819, which established the "template" and justification for continuation of genocide, assimilation and cultural termination through education. We do not understand at this time how the colonies and the early United States were involved in these activities. Creating an arbitrary date, or defining an era based only on information that we understand today, removes the opportunity to understand why the U.S. chose these policies as a continuation of colonization that the U.S. benefitted from. The U.S. gross national product is based on the genocide, assimilation and taking of lands from Native Nations. Truth and reconciliation demand full transparency that is not limited to one legislative occurrence and must include the history leading up to it.

2. Collection of Testimony. There must be a clear statement that survivors can remain anonymous and their personal information is protected.

The collection of testimony from survivors of boarding schools, and descendants of boarding schools is absolutely important so that the U.S. and all of its citizens can come to terms with the genocide and assimilation policies that the U.S. has benefitted from. However, the investigation and personal transparency that the Commission is seeking will be emotionally, mentally, physically and spiritually difficult for many survivors and descendants of survivors. Those individuals must be able to choose whether or not they wish to share their personal information in public, whether the information will be available under the Freedom of Information Act, and whether they are able to share anonymously protecting certain information. The Commission must make it a priority to protect the health and welfare of those survivors and descendants involved and use culturally appropriate collection practices.

3. Advisory Committee Membership. The Association on American Indian Affairs and the International Indian Treaty Council (IITC) should not be excluded from Advisory Committee Membership.

In Section 5(g)(2)(E)(x), the Association and IITC are singled out as part of the Advisory Council to include a member from either one or the other organization. The Association has been involved for 100 years on these issues, continues to provide expertise on boarding schools, and is the leading organization in repatriation issues and expertise. The bill is awkward in setting up Advisory Committee membership that includes Native organizations, naming some and excluding others. Native organization capacity can ebb and flow over time. The development and work of the Commission should rely on all expertise that Indian Country has on this subject and should not exclude or limit Native organization participation in the Advisory Committee.

The Association is honored to have conducted research and provided other information that aided in the draft of this bill. We are deeply committed to working hand-in-hand with Native Nations and see no greater honor and responsibility than working to bring about healing and reconciliation for those impacted by genocide, assimilation and territorial termination through education policies.

In conclusion, the Association supports this bill and Commission that will fulfill the following:

- A full inquiry and investigation that acknowledges the genocide and assimilation policies through the use of boarding schools and education;
- A full investigation that is not limited by the 1819 Civilization Act as a starting point; the U.S. inherited and has benefitted from these practices that began prior to 1819;
- Protection of survivors and descendants of survivors when collecting testimony that allows for anonymity or other solutions that will not cause further harm and trauma to survivors, their families and descendants;
- Provides strong provisions that allow for the Commission to subpoena and investigate private entity records;
- Development and dissemination of Commission findings and recommendations that is fully transparent;
- Recognition that this Act is only the beginning to correct the continuing harm of the boarding school legacy;
- Any repatriation solutions must apply to our children's graves regardless of the status of land where they are located; and
- Broader inclusiveness of Native-led organizations with expertise in the issues at hand.

Thank you for your time, energy and attention. You may contact me directly at (240) 314-7155 or email at shannon@indian-affairs.org.

Yakoke,



Shannon O'Loughlin (Choctaw)
Chief Executive & Attorney

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