



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians
Resolution #REN-13-055

TITLE: Support to Create a Commission on American Indian Boarding School Policy

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, beginning with the Indian Civilization Act Fund of March 3, 1819 and the Peace Policy of 1869 the United States, in concert with and at the urging of several denominations of the Christian Church, adopted an Indian Boarding School Policy; and

WHEREAS, the Indian Boarding School Policy was expressly intended to implement cultural genocide through the removal and reprogramming of Native American children to accomplish the systematic destruction of indigenous cultures and communities; and

WHEREAS, between 1869 and the 1960s as many as 100,000 Native American children were removed from their homes and families and placed in Boarding Schools operated by the federal government and the churches; and

WHEREAS, Native children that were voluntarily or forcibly removed from their homes, families, and communities during this time were taken to schools far away where they were punished for speaking their native language, banned from acting in any way that might be seen to represent traditional or cultural practices, stripped of traditional clothing, hair and personal belongings and behaviors reflective of their native culture, and abused and neglected by inadequate and hostile staff who were primarily non-Native; and

WHEREAS, the prevailing attitudes of the time allowed neglect and abuse of children who were overseen, but not parented, bullied and assaulted, not only by the adults but by older children under the modeling and instruction of the caretakers and staff, and neglected *en masse*; and

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Tlingit

NCAI HEADQUARTERS
1516 P Street, N.W.
Washington, DC 20005
202.466.7767
202.466.7797 fax
www.ncai.org

WHEREAS, many of the children placed in these schools observed and suffered physical, emotional, psychological, and sexual abuse, were punished by physical restraints, beatings and isolation in inhospitable surroundings, such as unlighted cellars, and unlighted and unventilated outbuildings designed as jails; and

WHEREAS, these children, their children and now their grandchildren and great-grandchildren, have become the legacy of the boarding schools and the federal policy that established and sustained them, where the trauma they suffered has gone unrecognized and unresolved; and

WHEREAS, it has been established that the trauma experienced by those who were abused and neglected in these schools during this period has passed onto each subsequent generation where this historical and inter-generational trauma continues to effect and devastate Native American individuals, families, and communities; and

WHEREAS, neither the United States nor any national denomination of the Christian Churches in the United States has offered to provide any reparations for the generations of harm caused by the deliberate imposition of the policy of cultural genocide on the Native American children, families, communities, tribes, Pueblos or Alaskan Villages; and

WHEREAS, the facts and history about the pervasive harm caused and continuing to be caused by the trauma and continuing historical and intergenerational trauma attributable to the Boarding School Policy are poorly understood by the American public, the Congress and the Executive Branch of the federal government; and

WHEREAS, a comprehensive national study of the history of the policy, complete documentation of the fate of the students and the events that took place at each of the schools, gathering of testimony from those that suffered from abuse, neglect or other trauma and its effects on those individuals, families and communities is necessary to support recommendations to Congress based on the evidence gathered from them and experts on inter-generational trauma concerning the nature of the harms and potential paradigms for healing and reconciliation; and

WHEREAS, similar events in the past have been successfully addressed through Congressional authorization of a Commission to study and report on the issue; now

THEREFORE BE IT RESOLVED, that the NCAI does hereby support the enactment of a bill by the United States Congress to create a Commission on American Indian Boarding School Policy (substantially in the nature of the example Commission attached to this resolution as Attachment A).

BE IT FURTHER RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2013 Midyear Session of the National Congress of American Indians, held at the Atlantis Casino from June 24 - 27, 2013 in Reno, Nevada with a quorum present.



President

ATTEST:



Recording Secretary

ATTACHMENT A - DRAFT

An Act to establish a Commission to gather facts surrounding the United States' policy of forcibly sending American Indian and Alaska Native children to boarding schools during the [relevant time period].

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Commission on American Indian Boarding School Policy".

FINDINGS AND PURPOSE

Sec. 2. (a) The Congress finds that—

- (1) Senate Joint Resolution 14, passed by the U.S. Congress in 2009, acknowledges "a long history of official depredations and ill-conceived policies by the Federal Government regarding Indian tribes";
- (2) from 1869 until [end date], the United States Government had a policy of sending American Indian and Alaska Native children to boarding schools run by the United States Government and religious organizations under contract to the United States Government (hereinafter referred to as the "Boarding School Policy");
- (3) one goal of the Boarding School Policy was to destroy native culture and language;
- (3) many children were physically and sexually abused at the schools;
- (4) many children died from disease, malnutrition, and abuse at the school;
- (5) there are lingering effects of this Policy in many American Indian communities; and
- (6) no sufficient inquiry has been made into the matters described in paragraphs (1) through (--).

(b) It is the purpose of this Act to establish a commission to—

- (1) review the facts and circumstances surrounding the Boarding School Policy;
- (2) investigate the ongoing effects of the Boarding School Policy in American Indian and Alaska Native communities; and
- (3) recommend appropriate remedies.

ESTABLISHMENT OF COMMISSION

Sec. 3. (a) There is established the Commission on American Indian Boarding School Abuses (hereinafter referred to as the "Commission").

(b) Membership

(1) In general

The Commission shall be composed of [nine?] members, who shall be appointed within ninety days after the date of enactment of this Act as follows:

(A) 3 shall be appointed by the President, in consultation with the Secretary of the Interior;

(B) 2 shall be appointed by the Majority Leader of the Senate, in consultation with the Chairpersons of the Committees on Indian Affairs and the Judiciary of the Senate;

(C) 1 shall be appointed by the Minority Leader of the Senate, in consultation with the Vice Chairperson and Ranking Member of the Committees on Indian Affairs and the Judiciary of the Senate;

(D) 2 shall be appointed by the Speaker of the House of Representatives, in consultation with the Chairpersons of the Committees on the Judiciary and Natural Resources of the House of Representatives; and

(E) 1 shall be appointed by the Minority Leader of the House of Representatives, in consultation with the Ranking Members of the Committees on the Judiciary and Natural Resources of the House of Representatives.

(2) Requirements for eligibility

(A) Each member of the Commission shall have significant experience and expertise in the matters to be studied by the Commission, and

(B) at least one member shall be a survivor of the Boarding School Policy, meaning that such member is an American Indian or Alaska Native and spent time living at a boarding school run by the United States Government or a religious organization during the time period indicated in §2(a)(2);

(C) at least one member shall be a leader of an American Indian or Alaska Native tribe;

(D) at least one member shall be an expert in historical trauma and its sociological implications;

(E) at least one member shall be an expert in native languages and culture;

(F) at least one member shall be a representative of the Bureau of Indian Affairs;

[(G) other criteria?]

(3) Consultation required

The President, the Speaker and Minority Leader of the House of Representatives, and the Majority Leader and Minority Leader of the Senate

shall consult before the appointment of members of the Commission under paragraph (1) to achieve, to the maximum extent practicable, fair and equitable representation of various points of view with respect to the matters to be studied by the Commission

(c) The term of office for members shall be for the life of the Commission. A vacancy in the Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) The first meeting of the Commission shall be called by the President within one hundred and twenty days after the date of enactment of this Act, or within thirty days after the date on which legislation is enacted making appropriations to carry out this Act, whichever date is later.

(e) [Four?] members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(f) The Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the Commission.

(g) Each member of the Commission who is not otherwise employed by the United States Government shall receive compensation at a rate equal to the daily rate prescribed for GS-18 under the General Schedule contained in section 5332 of title 5, United States Code, for each day, including travel time, he or she is engaged in the actual performance of his or her duties as a member of the Commission. A member of the Commission who is an officer or employee of the United States Government shall serve without additional compensation. All members of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

DUTIES OF THE COMMISSION

Sec. 4. (a) It shall be the duty of the Commission to—,

(1) Take testimony from boarding school survivors and others, in order to gather information about the schools;

(2) Gather information from knowledgeable experts about intergenerational historic trauma;

(3) To learn from the affected communities what is needed to effectuate community healing;

(4) To raise public awareness and provide public education about the Boarding School Policy and its effects; and

(5) To recommend appropriate remedies.

(b) The Commission shall hold public hearings in such cities of the United States that it finds appropriate.

(c) The Commission shall submit a written report of its findings and recommendations to Congress not later than the date which is [eighteen months?] after the date of the first meeting called pursuant to section 3(d) of this Act.

[(d) Fast-tracking legislation?]

POWERS OF THE COMMISSION

Sec. 5. (a) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this Act, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) The Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information which the Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the Commission and furnish all information requested by the Commission to the extent permitted by law.

ADMINISTRATIVE PROVISIONS

Sec. 6. The Commission is authorized to—,

- (1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS-18 of the General Schedule under section 5332 of such title;
- (2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;
- (3) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in

such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(4) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(5) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

TERMINATION

Sec. 7. The Commission shall terminate ninety days after the date on which the report of the Commission is submitted to Congress pursuant to section 4(c) of this Act.

AUTHORIZATION OF APPROPRIATIONS

Sec. 8. To carry out the provisions of this Act, there are authorized to be appropriated [\$1,500,000?].