

INDIGENOUS BOARDING SCHOOLS IN THE UNITED STATES AND CANADA: POTENTIAL ISSUES AND OPPORTUNITIES FOR REDRESS AS THE UNITED STATES GOVERNMENT INITIATES FORMAL INVESTIGATION

*Keiteyana I. Parks**

[T]he first step to justice is acknowledging these painful truths and gaining a full understanding of their impacts so that we can unravel the threads of trauma and injustice that linger.¹

I. Introduction

The development of the United States as a country is entwined with a legacy of painful efforts to eradicate the cultures and the presence of individuals deemed “improper” for the sake of land and westward expansion. Included in this list of disgraceful efforts is the decades-long work of the federal government to assimilate American Indians into “Western” culture—in many ways quite successfully detaching them from their culture, tradition, and language. Specifically, the Native American boarding schools in the United States were maintained as prominent efforts to strip Native peoples of their land and their culture, to exploit young bodies for labor, and to conform Native American people into the mold and progression of the dominant Christian culture and values of Western civilization.² The Indian boarding school era was a significant stride in United States’ efforts to assimilate Indigenous people to Western ways such as those that encouraged their participation in capitalism and reliance on individualist lifestyles so much so that the idea of the Indian boarding school institution extended

* Third-year student, University of Oklahoma College of Law.

1. Deb Haaland, Opinion, *My Grandparents Were Stolen from Their Families as Children. We Must Learn About This History*, WASH. POST (Jun. 11, 2021, 9:00 AM), <https://www.washingtonpost.com/opinions/2021/06/11/deb-haaland-indigenous-boarding-schools/>.

2. It is imperative to me, as non-Indigenous author, to acknowledge the deep historical trauma of boarding schools that I write about, and the privilege that exists in writing within that perspective. Throughout this Comment, I use “Native American” to refer to Indigenous peoples within U.S. borders and “Indigenous People” to refer to those within Canadian borders to address a multitude of tribes, reservations, and villages throughout the United States and Canada but recognize that although peoples may in some ways be linked through their collective experiences and through multi-generational traumas of emotional and physical injury, each tribe is unique in its culture, crafts, and beliefs.

throughout Canada as well. The callous treatment of Native children took place within Indian boarding schools from the late 1800s through the 1970s in both the United States and Canada.³ While dialogue of the history and trauma of Indian boarding schools has been apparent in Canada, similar discourse regarding the depth and impression that these schools left amongst tribes in the United States seems to be less apparent.⁴ However, the recent discovery of mass gravesites surrounding former Indigenous boarding schools in Canada has brought the history of these schools to light.

*The only crime we ever committed as children was being born Indigenous.*⁵

Since January 2021, over 1,200 graves have been discovered at former Indigenous boarding school sites in Canada including in Cranbrook, B.C; Kamloops, B.C; Penelakut Island, B.C; and Marieval, Saskatchewan.⁶ Native tribes have spoken out in response to these discoveries—specifically, upon the discovery of 215 unmarked graves near the Kamloops Indian Residential School in Kamloops, British Columbia, which operated from 1890 to 1978 under the administration of the Roman Catholic Church.⁷ The Kamloops school grew to be the largest of the schools in the Indian Residential School System, reaching peak enrollment in the 1950s at about 500 students.⁸ The Canadian government took over the school in 1969 and operated the school as a residence for students who were attending day school.⁹ In response to

3. Andrea A. Curcio, *Civil Claims for Uncivilized Acts: Filing Suit Against the Government for American Indian Boarding School Abuses*, 4 HASTINGS RACE & POVERTY L.J. 45, 46 (2006).

4. Brenda J. Child, *U.S. Boarding Schools for Indians Had a Hidden Agenda: Stealing Land*, WASH. POST (Aug. 27, 2021, 6:15 AM), <https://www.washingtonpost.com/outlook/2021/08/27/indian-boarding-schools-united-states/>.

5. Ian Austen & Dan Bilefsky, *Hundreds More Unmarked Graves Found at Former Residential School in Canada*, N.Y. TIMES (July 30, 2021), <https://www.nytimes.com/2021/06/24/world/canada/indigenous-children-graves-saskatchewan-canada.html>.

6. *Id.*; Ian Austen, *'Horrible History': Mass Grave of Indigenous Children Reported in Canada*, N.Y. TIMES (Sept. 5, 2022), <https://www.nytimes.com/2021/05/28/world/canada/kamloops-mass-grave-residential-schools.html?searchResultPosition=2>; Tristin Hopper, *How Canada Forgot About More Than 1,308 Graves at Former Residential Schools*, NAT'L POST (July 13, 2021), <https://nationalpost.com/news/canada/how-canada-forgot-about-more-than-1308-graves-at-former-residential-schools>.

7. Press Release, Office of the Chief, Tk'emlúps te Secwépemc (Kamloops Indian Band) (May 27, 2021), <https://tkemlups.ca/wp-content/uploads/05-May-27-2021-TteS-MEDIA-RELEASE.pdf> [<https://perma.cc/33TN-R6FU>].

8. *Id.*

9. *Id.*

the discovery of the gravesite, the Kamloops Indian Board of Tk'emlúps te Secwépemc First Nation “acknowledge[ed] their responsibility to caretake for these lost children.”¹⁰ The Board assured its community that with the “deepest respect and love,” a ceremony would be conducted which “ensured that the work was conducted respectfully in light of the serious nature of the investigation with cultural protocols being upheld.”¹¹

Following the discovery at Kamloops, another gravesite containing the graves of as many as 751 people, many estimated to be children, was discovered at the Marieval Residential School in Saskatchewan, the largest gravesite discovered to date.¹² The Cowessess First Nation made the unearthing and responded by demanding that the Roman Catholic Church who oversaw the school while it was in operation, and Pope Francis, apologize for the ill treatment of Indigenous students.¹³

While Canada has experienced substantial previous litigation surrounding the Canadian government’s history of detrimental treatment towards Indigenous people, the United States has hardly a history of providing adequate redress for its historical brutalities. However, in the wake of the recent discovery at the Kamloops and Marieval Indian Residential Schools, and the large public outcry that resulted, the United States Department of the Interior (the Department) Secretary, Deb Haaland, has committed to investigating the history of Indian boarding schools in the United States.¹⁴ This formal investigation marks a huge effort for the United States to not only recognize its historical wrongs, but also to display a seemingly buried history of disparate treatment towards Native Americans which continues to be felt today.¹⁵ Secretary Haaland is a member of the Laguna Pueblo of New Mexico and is the first Native American cabinet secretary. United States Senator Elizabeth Warren offered her support, stating that it is “long overdue

10. *Id.*

11. *Id.*

12. Austen & Bilefsky, *supra* note 5.

13. *Id.*

14. Press Release, U.S. Dep’t of the Interior, Secretary Haaland Announces Federal Indian Boarding School Initiative (June 22, 2021) [hereinafter Press Release, Haaland Announces Initiative], <https://www.doi.gov/pressreleases/secretary-haaland-announces-federal-indian-boarding-school-initiative>.

15. Susan Montoya Bryan, *US to Review Native American Boarding Schools’ Dark History*, AP NEWS (June 23, 2021), <https://apnews.com/article/canada-government-and-politics-education-e9440169fde104df6fad6e0ba7128b0e>.

that the federal government reckon with this history and its legacy.”¹⁶ As part of the commitment to investigating the history of these schools in the United States, Warren and Haaland authored the Truth and Healing Commission on Indian Boarding School Policy Act with assistance of the National Native American Boarding School Healing Coalition, which was reintroduced on the National Day of Remembrance for U.S Boarding Schools.¹⁷ The National Native American Boarding School Coalition is the product of leaders from the United States and Canada who saw a need for a process similar to the Canadian Truth and Reconciliation Commission to be established in the United States.¹⁸ Considerably, the National Native American Boarding School Coalition has been a motivating force behind research and education of the history of boarding schools. The purpose of the Truth and Healing Commission is

to formally investigate and document, for the first time in history, cultural genocide, assimilation practices, and human rights violations of Indian Boarding Schools in the United States, to study the impact and ongoing effects of historical and intergenerational trauma in Tribal communities, and to provide a forum for Indigenous victims and families to discuss the personal impacts of physical, psychological, and spiritual violence.¹⁹

Christine Diindiisi McCleave, CEO of the National Native American Boarding School Healing Coalition, is hopeful that the “climate has changed” and is reminded that “in the last year, since the murder of George Floyd, people are more committed now to looking at racism and examining this country’s history and examining its policies that were racist or genocidal.”²⁰ The Coalition supports the Truth and Healing Commission on Indian Boarding School Policy Act and calls for a “full accounting of the devastating impacts of the Indian boarding school policies that tore away generations of

16. Press Release, Elizabeth Warren, Warren, Davids, Cole, Reintroduce Bipartisan Bill to Seek Healing for Stolen Native Children and Their Communities (Sept. 30, 2021), <https://perma.cc/5BGP-7PCQ>.

17. *Id.*

18. *About Us*, NAT’L NATIVE AM. BOARDING SCH. HEALING COAL., <https://boarding-schoolhealing.org/about-us/> (last visited Sept. 17, 2022).

19. H.R. 8420, 116th Cong. § 3 (2021).

20. Emily Schwing, *What the US Can Learn from Canada’s Commission on Indigenous Residential Schools*, THE WORLD (June 30, 2021, 5:00 PM), <https://theworld.org/stories/2021-06-30/what-us-can-learn-canada-s-commission-indigenous-residential-schools>.

Native American children form their families and communities.”²¹ The creation of this Coalition and the resources that it provides offer a tremendous step forward in acknowledging, learning, and discussing the history of Indigenous people relations and the history of these boarding schools.

The announcement of the reintroduction of the Act and of a formal examination into the history of the Indian boarding schools in the United States was made at the 2021 National Congress of American Indians Mid-Year Conference by Secretary of the Interior Deb Haaland.²² The initiative may present an opportunity for the United States to initiate means for redress for the government’s historical actions and treatment towards Indians. In a memorandum, the Department detailed the proposal to investigate the “loss of human life and the lasting consequences of residential Indian boarding schools.”²³ The Department further expressed that the discovery should encourage reflection on American history and the past policies of assimilation of Indigenous peoples initiated by the federal government of the United States.²⁴ It further notes how the assimilationist policies and the legacy of Indian boarding schools manifest today throughout Indigenous communities through intergenerational trauma, abuse, disappearance and premature death.²⁵ For over a century, the Department was responsible for the operation and oversight of these schools.²⁶ Therefore, it must “shed light on the traumas of the past.”²⁷ To do this, it proposes to collect information including enrollment records, maps, and administrative reports but emphasizes the need to discover records of cemeteries or potential burial sites in order to identify “all boarding schools that participated in the program and the students enrolled in each, along with each student’s Tribal affiliation” that could be contained in federal repositories and non-governmental operations.²⁸ Importantly, the Memo also contains initiatives for the Bureau of Indian Affairs to seek consultation from tribal nations, and Native Hawaiian and Alaska Native organizations, to discuss cultural concerns and

21. NAT’L NATIVE AM. BOARDING SCH. HEALING COAL., <https://boardingschoolhealing.org> (last visited Nov. 7, 2021).

22. Press Release, Haaland Announces Initiative, *supra* note 14.

23. Federal Indian Boarding School Initiative, Memorandum from the Sec’y of the Interior to Assistant Secretaries et al. (June 22, 2021), <https://www.doi.gov/sites/doi.gov/files/secint-memo-esb46-01914-federal-indian-boarding-school-truth-initiative-2021-06-22-final508-1.pdf>.

24. *Id.*

25. *Id.*

26. *Id.*

27. *Id.*

28. *Id.*

“proposed sitework.”²⁹ The importance of this communication with tribal nations cannot be overstated. In September of 2021, the Department announced that it would begin consulting with tribal nations.³⁰ Specifically, the Department wrote letters inviting “Tribal governments, Alaska Native Corporations, and Native Hawaiian organizations to provide feedback on key issues for inclusion in the Department’s report and help lay the foundation for future site work to protect potential burial sites and other sensitive information.”³¹

The Assistant Secretary for Indian Affairs, Bryan Newland, noted that the inclusion of the tribes is a “necessary step” to “chart our path forward.”³² One reason that consultation with tribes is extremely necessary is that the investigation lays bare a difficult and painful history that continues to affect many tribal nations who will continue to bear the impacts and results of the investigation. In the September 30 press release, Secretary Haaland noted that “[t]ribal consultations are at the core of this long and painful process to address the inter-generational trauma of Indian boarding schools and to shed light on the truth in a way that honors those we have lost and those that continue suffer trauma.”³³ In its letters to the tribes, and to Native Hawaiian and Alaska Native organizations, the Department requested that they address a variety of topics including:

- Appropriate protocols on handling sensitive information in existing records;
- Ways to address cultural concerns and handling of information generated from existing records or from potential sitework activities;
- Potential repatriation of human remains, including cultural concerns and compliance with the Native American Graves Protection and Repatriation Act;
- Future policy and procedure implementation to protect burial sites, locations, confidential information, and culturally sensitive information;

29. *Id.*

30. Press Release, U.S. Dep’t of the Interior, Interior Department to Hold Tribal Consultations on the Federal Boarding School Initiative (Sept. 30, 2021), <https://perma.cc/C6N5-NHAE>.

31. *Id.*

32. *Id.*

33. *Id.*

- Management of sites of former boarding schools;
- Privacy issues or cultural concerns to be identified as part of the Initiative; and
- Other issues the Department should address in its review.³⁴

The entire effort was conducted in multiple phases and concluded with the submission of a final written report submitted on April 1, 2022.³⁵ Proponents are hopeful and believe that Secretary Haaland is in a “pivotal position to uncover potential gravesites in America’s Indian boarding schools.”³⁶

This Comment explores the history of Indian boarding schools in the United States and Canada, including the differences between these countries’ attempts to offer redress for the impact that these schools have had and continue to have on Indian populations. Part II of this Comment will examine the historically intertwined relationship between the United States and Canadian boarding schools. Part III will discuss the effect that these schools have had and continue to have on Indigenous populations. Part IV will compare policies and actions taken in Canada to that of the United States. Lastly, Part V will discuss the potential paths that the United States could take to redress its deleterious history with Indigenous peoples and the obstacles that it could face in its investigation into the former federal Indian boarding schools in the United States.³⁷

34. *Id.*

35. Press Release, Haaland Announces Initiative, *supra* note 14. (Since the original publication of this Comment, the Secretary of the Interior has released Volume I of the Federal Boarding School Initiative Investigative Report, which can be found at https://www.bia.gov/sites/default/files/dup/inline-files/bsi_investigative_report_may_2022_508.pdf).

36. Sam Yellowhorse Kesler, *Indian Boarding Schools’ Traumatic Legacy, and the Fight to Get Native Ancestors Back*, NPR (Aug. 28, 2021), <https://www.npr.org/sections/codeswitch/2021/08/28/1031398120/native-boarding-schools-repatriation-remains-carlisle>.

37. It is imperative to me as non-Indigenous author to acknowledge the deep historical trauma of boarding schools that I write about, and the privilege that exists in writing within that perspective. I use Native American and Indigenous People to address a multitude of tribes, reservations, and villages throughout the United States and Canada but recognize that although peoples may in some ways be linked through their collective experiences and through multi-generational traumas of emotional and physical injury, each tribe is unique in its culture, crafts, and beliefs.

II. History of Indian Boarding Schools in the United States

A. A Hunger for Land and the Dawes Act

A hunger for more land and the opportunity to expand propelled many actions of the United States in its early development.³⁸ While the history of the United States and its interactions with Native Americans begins far earlier than the Dawes Act, it is evident that early Europeans' goals of expansion and controlling land principally influenced these interactions. In order to continue and fulfill the expansion of the United States, principal initiatives were the divestment of land from Native Americans and assimilation practices, such as boarding schools. Particularly, Indian boarding schools in the United States were created and utilized with a very specific purpose: to help the government gather Indian land³⁹ that was viewed as "unused" and "underdeveloped."⁴⁰ In 1887, Congress enacted the Dawes Act, also known as the General Allotment Act of 1887.⁴¹ The purpose of this act, in part, was to encourage Indian tribes to utilize land more "efficiently."⁴² Creators and implementors of allotment policies believed that the allotment of land would weaken the tribal system, which prioritized communal property and shared resources, and would replace it with what was believed to be a greater respect of property and permanent residency rather than the nomadic life that many Native tribes lived.⁴³ The Act allowed for tribal land to be surveyed and divided,⁴⁴ and then, the head of each family would chose a 160-acre plot of land.⁴⁵ The Dawes Act mandated allotment of land, but this sort of individual ownership of land was foreign to Native Americans. Frustration grew between white settlers and Native Americans over Native cultural practices and gender roles in field work. A following bill passed in 1891 which allowed for the leasing of land, and if the land was not worked, this provided a way

38. Bryan, *supra* note 15.

39. Child, *supra* note 4.

40. Ann Murray Haag, Comment, *The Indian Boarding School Era and Its Continuing Impact on Tribal Families and the Provision of Government Services*, 43 TULSA L. REV. 149, 150 (2007).

41. Dawes Act of 1887, Pub. L. No. 49–105, 24 Stat. 388 (codified as amended at 25 U.S.C. §§ 331–358).

42. Haag, *supra* note 40.

43. Linda J. Lacey, *The White Man's Law and the American Indian Family in the Assimilation Era*, 40 ARK. L. REV. 327, 350 (1986).

44. *Land Tenure History*, INDIAN LAND TENURE FOUND., <https://iltf.org/land-issues/history/> (last visited Oct. 3, 2021).

45. Lacey, *supra* note 43, at 352.

for white settlers to utilize and profit from Native land.⁴⁶ The Dawes Act is noted as the most important strategy utilized for assimilation, and hardly any reservation avoided allotment under the Act.⁴⁷ Largely, the Act succeeded in damaging traditional tribal systems, gender roles, and cultural practices of Native Americans, leaving behind lasting effects of a violent history, poverty, and ill health.⁴⁸

Boarding schools would serve as the second tool to expand the United States through assimilation of Native Americans after allotment practices. Boarding schools have been described as “ideological and psychological [warfare] waged against children,”⁴⁹ aimed at teaching Indigenous Americans English and fostering American values in order to encourage swift assimilation.⁵⁰ The United States government attempted to form treaties that promised to build reservation schools for Native American children and tasked the act of educating the students to prominent religious groups and missionaries.⁵¹ However, by the late 1800s, proponents of boarding schools felt that American Indian children spent too much time with their families in order to effectively assimilate.⁵² Consequently, the United States essentially abandoned its obligations and looked for other ways to assimilate American Indian children.⁵³

B. The First Boarding Schools

The first boarding schools were the Carlisle and Chemawa schools, established in Pennsylvania and Oregon, respectively.⁵⁴ The schools were the product of Captain Richard Henry Pratt’s “civilization” program for Native prisoners within the Fort Marion prison.⁵⁵ In 1879 Pratt opened The Carlisle Indian School which operated until 1917.⁵⁶ Fifty-eight tribes were represented throughout the years that the school was in operation.⁵⁷ Government subsidy, distributed to schools through the 1819 Civilization

46. *Id.* at 354–55.

47. BRENDA J. CHILD, BOARDING SCHOOL SEASONS: AMERICAN INDIAN FAMILIES 1900-1940, at 9 (1998); *see also* Lacey, *supra* note 43, at 350.

48. Lacey, *supra* note 43, at 355.

49. Curcio, *supra* note 3, at 53.

50. *See id.* at 60–61.

51. *Id.* at 53–54.

52. *Id.* at 54.

53. *Id.*

54. CHILD, *supra* note 47, at 5–6.

55. *Id.*

56. *Id.* at 6.

57. *Id.*

Fund, funded the Carlisle School, but the schools eventually gathered federal funding.⁵⁸ Pratt's views regarding Native assimilation were immensely popular, notably coining the phrase "Kill the Indian in him, and save the man."⁵⁹ In efforts to assimilate Native children, the school maintained a military structure and attitude regarding discipline.⁶⁰ The Carlisle School laid the foundation for what would later become a surge of schools. Several boarding schools continued to open and by 1895, over 15,000 students attended 157 boarding schools.⁶¹ A smaller number of students attended day schools.⁶²

Schools operated as institutions to instill principles that were very different from the traditional values of Native Americans: individualism and competition.⁶³ These principles (i.e., the significance of, and focus on a nuclear family, Christianity, and the ownership of property) fundamentally conflicted with those of Native Americans.⁶⁴ Alternatively, much of Native culture is communal, rather than individualistic.⁶⁵ However, this way of life was viewed as "lazy," and the stereotype of the "lazy Indian," to Europeans, demanded that they instill "proper Christian values."⁶⁶ For example, Native American practices of child-rearing were criticized as lacking structure and being too permissive; as a result, schools focused on discipline.⁶⁷

Supporters of boarding school education believed that removing children from their tribal land would "civilize" and prepare them for citizenship, curbing the "Indian problem" that prevailed, as Native Americans expressed their culture and language.⁶⁸ The schools were purposeful in their efforts towards creating an "American" work ethic and "love [for] property" in the students as well as traditional settler values.⁶⁹ Boys were taught trades and maintenance of land and farm; girls were taught cleaning, ironing, and other

58. Stephen A. Colmant, *U.S. and Canadian Boarding Schools: A Review, Past and Present*, 17 NATIVE AMERICAS no. 42, Dec. 31, 2000, at 24 (ProQuest).

59. Curcio, *supra* note 3, at 55.

60. See ANDREW WOOLFORD, THIS BENEVOLENT EXPERIMENT: INDIGENOUS BOARDING SCHOOLS, GENOCIDE, AND REDRESS IN CANADA AND THE UNITED STATES 35–37 (2015).

61. Curcio, *supra* note 3, at 57.

62. *Id.*

63. See Lacey, *supra* note 43, at 341–43.

64. See Curcio, *supra* note 3, at 49.

65. Lacey, *supra* note 43, at 342.

66. *Id.* at 330, 340–41.

67. *Id.* at 347.

68. CHILD, *supra* note 47, at 13.

69. Lacey, *supra* note 43, at 358.

household skills.⁷⁰ Thus, when the Dawes Act passed, it was akin to a “holiday” for proponents of assimilation and the use of boarding schools.⁷¹ The advocates of the boarding schools further justified the schools with the notion that it would be easier to detach students from their tribal traditions if they remained away from their homes and families until they finished their education.⁷² Boarding schools were seldom located near reservations.⁷³ It was a cause for concern that the home environment would dissuade students from participating in the lessons at the boarding schools.⁷⁴ This meant that many children attended schools away from their reservation and, therefore, would go for long periods of time before seeing their families again. In many ways the boarding schools worked to deprive Native Americans of their culture and values in order to mirror the values of the white settlers.

In 1891, Congress passed a mandatory boarding school attendance law for Native American students.⁷⁵ In 1894 it became illegal to take students to schools outside of their home states without parental permission, but the law was often violated in what became known as “child snatching.”⁷⁶ Children and parents alike opposed the law. For example, parents of the Hopi Tribe taught their children to avoid the agents by playing “hide and seek.”⁷⁷ Congress further acted in 1893 to allow the Bureau of Indian Affairs to “withhold rations, clothing and other annuities from Indian parents or guardians who refuse[d] or neglect[ed] to send and keep their children of proper school age in some school a reasonable portion of each year.”⁷⁸ However, agents of the Bureau of Indian Affairs had already been conducting this practice, and, even when the policy was changed a few years later, the practice continued.⁷⁹ As students entered the schools, they were swiftly met with efforts to make them more “American.” Students were often viewed as dirty and unkempt, so they were given baths and received uniforms and shoes issued by the government.⁸⁰ Boys had their hair cut short, stripping them of

70. *Id.*

71. *Id.*

72. CHILD, *supra* note 47, at 13.

73. Haag, *supra* note 40, at 153.

74. See WOOLFORD, *supra* note 59, at 36 n.73 (citing TRUTH & RECONCILIATION COMM’N CAN., THEY CAME FOR THE CHILDREN: CANADA, ABORIGINAL PEOPLES, AND RESIDENTIAL SCHOOLS 1 (2012)).

75. CHILD, *supra* note 47, at 13.

76. Lacey, *supra* note 43, at 359.

77. CHILD, *supra* note 47, at 13.

78. Curcio, *supra* note 3, at 56.

79. *Id.*

80. Haag, *supra* note 40, at 154.

a piece of their culture that they adorned on themselves.⁸¹ American Indian children also had their identity detached in another way: the assignment of a new English name.⁸² The name is a fundamental aspect of anyone's identity and American Indian names typically hold cultural significance and are chosen with "great care and ceremony."⁸³ The loss of their name reflected a severance from their culture.⁸⁴ The fact that Native Americans were not Christians was a sufficient contribution to the belief that they were uncivilized.⁸⁵ Since many schools were run by churches, children were also forced to practice Christianity.⁸⁶

Most notably, amongst the changes that students had to endure, was the dissipation of their native language through "English-Only" policies.⁸⁷ These policies would prove to be devastating to many children who would later reunite with their families only to face a new language barrier. John Rogers, a student at the Flandreau school in South Dakota, recalled learning to speak English, and upon leaving, he and his siblings "had forgotten much of the Indian language during our six years away from home."⁸⁸ However, another student recalled maintaining their language by speaking it while praying,⁸⁹ and another by playing games with other students to see who could speak in their native language the longest.⁹⁰ Students received harsh punishment for violating the English-Only rules, such as "[b]eatings, swats from rulers, having one's mouth washed out with soap or lye, or being locked in the school jail."⁹¹

In more modern schools however, physical punishment decreased as it began to be viewed as a teacher's or staff's failure to create obedience since physical punishment didn't necessarily guarantee that children would change their behavior.⁹² Although the government attempted to regulate school superintendents and staffs' use of violence, it remained in use when deemed necessary, namely when students engaged in theft, other misdemeanors, and

81. *Id.*

82. *Id.*

83. Curcio, *supra* note 3, at 59.

84. *Id.*

85. Lacey, *supra* note 43, at 345.

86. Haag, *supra* note 40, at 154.

87. *Id.* at 156.

88. CHILD, *supra* note 47, at 28.

89. *Id.*

90. Haag, *supra* note 40, at 157 n.72.

91. CHILD, *supra* note 47, at 28.

92. WOOLFORD, *supra* note 60, at 187-88.

running away.⁹³ Running away was a common attempt to maintain connection to family and tribes.⁹⁴

*To admit that it was bad for you is a little disconcerting. One doesn't want to be told that one's education was highly faulty.*⁹⁵

The boarding school experience became more familiar in many communities and the coercion tactics of the government to enroll more students into boarding schools became more subtle.⁹⁶ Parents suffering with no other means of support for their families would allow their children to attend these boarding schools.⁹⁷ Parents hoped that the schools would result in greater opportunities for their children and that their children would “learn to deal with the white man.”⁹⁸ Boarding schools also became more populated due to a lack of day schools present on reservations.⁹⁹ These schools were absorbed into the community of Native Americans, because they had come to view them as a resource. Specifically, single parents became inclined to utilize boarding schools to their advantage between 1900 and 1940 when reservation life was challenging and often unpredictable.¹⁰⁰ Parents would even write letters to the school asking for their child to be enrolled in hopes of relieving some financial hardship, while hoping that their children would receive more than what could have been offered by their families on the reservation.¹⁰¹ The perception of these schools as a resource provided increasing enrollment at a time that these schools had begun to receive criticism from various groups. In 1933, the Office of Indian Affairs sent a circular to the three schools advising them to accept enrollment only from the neediest children because enrollment was so high.¹⁰²

Many letters from parents to their children in these schools demonstrate the strife that parents and children alike faced by being separated from each other, as well as parental concerns for their child's health and diet in the

93. *Id.*

94. CHILD, *supra* note 47, at 6.

95. Margaret D. Jacobs, *The Habit of Elimination: Indigenous Child Removal in Settler Colonial Nations in the Twentieth Century*, in COLONIAL GENOCIDE IN INDIGENOUS NORTH AMERICA 189, 195 (Andrew Woolford, Jeff Benvenuto & Alexander Laban Hinton eds., 2014).

96. *See* Haag, *supra* note 40, at 153.

97. *Id.*

98. *Id.*

99. *See* Jacobs, *supra* note 95, at 195.

100. CHILD, *supra* note 47, at 2.

101. *Id.* at 21.

102. *Id.*

school. "For most Indian students, government boarding schools provided them with a minimal education and a minimum of care."¹⁰³ With so many schools throughout the United States the conditions of the schools varied, but by the early 1900s, the structure and integrity of many schools had diminished rapidly, and enrollment grew, as did disease and illness. In 1912, a study found that in fifty percent of the thirty boarding schools located in Oklahoma, the rate of trachoma had increased to almost seventy percent.¹⁰⁴ Although illness was rampant through the boarding schools, it seems that the schools needed to maintain enrollment.

While schools received federal funding, sometimes these funds went to funding transportation costs and student recruitment.¹⁰⁵ Basic necessities to ensure cleanliness and full meals were scarce and with many students, overcrowded and forced to be in such close contact with each other, many would often fall ill with various diseases, frequently resulting in death.¹⁰⁶ The Meriam Report, an extensive government study conducted in 1928, described the inadequacy of the buildings to include fire hazards, poor ventilation, poor sanitation, and a prevalence of highly contagious diseases.¹⁰⁷ Additionally, the Meriam Report revealed that many students were suffering from malnutrition due to a lack of food and poor food quality.¹⁰⁸

While the initial purpose of the schools was to teach work ethic and to encourage participation in wage labor, the labor that young boys participated in often supported and made money for the schools.¹⁰⁹ Throughout the day, young children spent their time doing laundry or operating the schools' dairies.¹¹⁰ In some cases, children were sent to work for white families with the idea to keep them from the uncivilized lifestyle of their families and to help them become used to working and living with white individuals.¹¹¹ Children could be sent to work to harvest crops, and young girls could be

103. *Id.* at 14.

104. Curcio, *supra* note 3, at 66.

105. WOOLFORD, *supra* note 60, at 102.

106. Curcio, *supra* note 3, at 63.

107. *See* INST. FOR GOV'T RESEARCH, THE PROBLEM OF INDIAN ADMINISTRATION 220, 314, 316 (Johnson Reprint Corp. 1971) (1928).

108. *See id.* at 327, 335 (stating that action needed to be taken to the address the insufficiency of food quality and quantity which was resulting in malnutrition among students).

109. Curcio, *supra* note 3, at 64.

110. *Id.*

111. *Id.* at 64-65.

expected to clean, cook, and do other domestic labor for households.¹¹² These conditions taken together often resulted in disease and death.

Even after John Collier, the 1933 Commissioner of Indian Affairs and a vocal critic of the boarding schools, referred to the schools as “medieval forms of discipline,”¹¹³ the population of boarding schools remained higher than it had ever been in the 1920s, although many schools had already closed.¹¹⁴ By this time, improved record keeping began in schools, and surveys were taken as students entered the schools that analyzed a student’s “degree of blood,” their reservation and tribe, and the physical condition of the student.¹¹⁵ All of this was considered along with the students’ academic performance.¹¹⁶ Schools required government census and administrative bodies to cooperate in order to compile information pertaining to students for school agents to recruit and transport students.¹¹⁷ Overall, the Bureau of Indian Affairs began to overcome some of the obstacles in identifying tribes.¹¹⁸ Although the purpose of the schools had started to face opposition in differing communities, especially after the release of the Meriam Report, it was not until the Indian Reorganization Act passed in 1934 that the government began questioning the purpose and effectiveness of boarding schools.¹¹⁹ However, as boarding schools began to close, day schools took their place. In the 1930s, schools became more populated as they became “familiar” and “traditional” institutions, at the same time, states effectively distanced the schools from their original purpose that—the “habit of elimination.”¹²⁰ But conditions had yet to substantially change by the late 1960s. In 1969 the government released another report detailing the disparaging state of the schools that noted a lack of support from school counselors and dormitory aids.¹²¹

112. *Id.* at 65.

113. *Id.* at 69.

114. CHILD, *supra* note 47, at 14.

115. WOOLFORD, *supra* note 60, at 178.

116. *Id.*

117. *See id.*

118. *Id.* at 178–79.

119. Jacobs, *supra* note 95, at 195.

120. *Id.* at 196.

121. *See* Curcio, *supra* note 3, at 70 (“[T]he lack of concern for basic needs of the children is best expressed by the small number of dormitory staff and is evident in many other aspects of dormitory life.”).

III. Historical Relationship Between the United States and Canadian Boarding Schools: The United States Schools as the “Blueprint”

Canada’s legacy of residential Indian and Aboriginal boarding schools “has roots in the United States.”¹²² The history of Canada cannot be discussed without also discussing the violence towards Indigenous cultures and their sovereignty as a tool for assimilation. Scholar and academic liaison to Canada’s Truth and Reconciliation Commission, Paulette Regan, stated:

Settler violence against Indigenous peoples is woven into the fabric of Canadian history in an unbroken thread from past to present that we must now unravel, unsettling our comfortable assumptions about the past. At the same time, we must work as Indigenous allies to “restory” the dominant culture version of history; that is, we must make decolonizing space for Indigenous history—counter-narratives of diplomacy, law, and peacemaking practices—as told by Indigenous peoples themselves.¹²³

Similarly, with the newfound push towards uncovering a similar history of settler violence towards Indigenous peoples in the United States, it is imperative that Indigenous voices be centered in the narrative. While we do not know the entire number of schools that existed in the United States due to poor documentation, we do know that more than twice the number of schools existed in Canada.¹²⁴ It was not until about the nineteenth century that systematic efforts for the “Indian problem” in Canada began, but the first trials for residential schools happened near the seventeenth century.¹²⁵ In the mid-1800s, the Canadian Indian Residential School system was formally established with a purpose, in part, to help Aboriginal people adopt to the dominant culture.¹²⁶ Treaties that were enacted during this time contained provisions for government-funded reservation schools to be established in

122. Mary Louise Kelly et al., *U.S Boarding Schools Were the Blueprint for Indigenous Family Separation in Canada*, NPR (June 3, 2021, 4:12 PM), <https://www.npr.org/2021/06/03/1003020286/u-s-boarding-schools-were-the-blueprint-for-indigenous-family-separation-in-cana>.

123. Jeff Corntassel, *Indigenous Storytelling, Truth-telling, and Community Approaches to Reconciliation*, ESC: ENG. STUD. IN CAN., Mar. 2009, at 137, 138, <https://ojs.lib.uwo.ca/index.php/esc/article/view/9788/7888> (quoting Paulette Regan).

124. Kelly et al., *supra* note 122.

125. David B. MacDonald, *Genocide in the Indian Residential Schools: Canadian History Through the Lens of the UN Genocide Convention*, in COLONIAL GENOCIDE IN INDIGENOUS NORTH AMERICA, *supra* note 95, at 306, 308.

126. *Id.*

order to educate and prepare Aboriginal children for a different life. The Catholic Church controlled sixty percent of the schools, and children aged five through sixteen were mandated to attend these schools until the 1950s.¹²⁷ Similarly, in the United States, religious groups established and ran mission schools prior to industrial style boarding schools such as the well-known Carlisle school established by Henry Pratt discussed above.¹²⁸ Canadian residential schools, on average, lasted longer than the residential school system in the United States and there was no reformist period akin to that of the early to mid-1930s in the United States.¹²⁹ However, the effect of this in Canada was that students typically entered the Canadian residential school system at earlier ages than they did in United States and the schools affected more generations of Indigenous children.¹³⁰

In 1850, the Act for the Better Protection of the Lands and Property of the Indians in Lower Canada was introduced, and the Act was considered to be one of the first pieces of legislation that set forth requirements “for a person to be considered a legal Indian.”¹³¹ Assessed on the basis of blood, the Act asserted that “legal Indians” were people of “Indian blood” and members of a “Body or Tribe of Indians.”¹³² In 1857 and 1869, the Gradual Civilization Act and the Gradual Enfranchisement Act were introduced, aimed at negating distinctions between Indigenous peoples by encouraging them to relinquish their status as Indigenous in exchange for property and voting rights.¹³³

The Indian Act was introduced in 1876, and since then has seen little modification.¹³⁴ When introduced, the Act was aimed at establishing laws to encumber Indigenous people, including First Nations peoples, and ultimately eliminate Indigenous peoples through assimilation into the Euro-Canadian

127. *Id.* at 309.

128. See Andrew Woolford, *Discipline, Territory, and the Colonial Mesh: Indigenous Boarding Schools in the United States and Canada*, in COLONIAL GENOCIDE IN INDIGENOUS NORTH AMERICA, *supra* note 95, at 29, 35.

129. *Id.* at 29.

130. *Id.*

131. *Indian Act*, CANADIAN ENCYCLOPEDIA (Sept. 23, 2022), <https://www.thecanadianencyclopedia.ca/en/article/indian-act>.

132. *Id.*

133. *Id.*

134. Kiera L. Ladner, *Political Genocide: Killing Nations Through Legislation and Slow-Moving Poison*, in COLONIAL GENOCIDE IN INDIGENOUS NORTH AMERICA, *supra* note 95, at 226, 236.

society.¹³⁵ The “First Nations” consist of the first five Numbered Treaties made with the Canadian government prior to the Indian Act of 1876.¹³⁶ The First Nations derive their legal identity as Indigenous through the Numbered Treaties rather than the Indian Act.¹³⁷ The two most significant amendments took place in 1951 and 1985 to remove sections that had been deemed discriminatory.¹³⁸ It is described as the “culmination of Indian policy in Canada” and its reach extends to nearly every aspect of an Indigenous person’s life from beginning to end, and arguably, after death.¹³⁹ The Act determines whether a child will be eligible to be considered Indigenous and provides legal rights and privileges on the basis of this eligibility.¹⁴⁰ The Act also affects individual’s ability to receive rights such as health care and education, and at an individual’s death, the Act determines their eligibility to be buried on a reservation.¹⁴¹ Professor and scholar Kiera L. Ladner describes Canadian policy as political genocide in reference to the “federal government’s policies and practices . . . designed to eliminate Indigenous sovereignty, Indigenous governments, and Indigenous constitutional orders.”¹⁴² Ladner further describes the Act as an effort to destroy “Indigenous structures and sovereignty” by replacing their systems with state governance and municipalities through which, Indigenous communities would govern themselves.¹⁴³ Later amendments to the Act mandated Indigenous children attend residential schools.¹⁴⁴

Around the time that the Carlisle School was opening in the United States in 1879, a man named Nicholas Flood Davin was sent by the Canadian government to investigate how the United States was educating Native American children who toured Washington and Minnesota and met with the chiefs from the “Five Civilized Tribes.”¹⁴⁵ Davin found the efforts of the United States to allot land to Indigenous People’s individually, rather than communal land ownership, favorable and he disfavored the concept of the day school in which he had seen. Along this tour, Davin observed a contract

135. See *Indian Act*, *supra* note 131 (“[The Indian Act] forbade First Nations peoples and communities from expressing their identities through governance and culture.”).

136. *Indian Act*, R.S.C. 1985, c I-5.

137. *Indian Act*, *supra* note 131.

138. *Id.*

139. Ladner, *supra* note 134, at 236.

140. *Id.*

141. *Id.*

142. *Id.*

143. *Id.* at 237.

144. *Indian Act*, *supra* note 131.

145. Woolford, *supra* note 128, at 35.

boarding school that was run by religious missionaries, and he was impressed with the funding that these schools received from the government, which became his pivotal focus for change in Indian education in Canada.¹⁴⁶ Davin recommended that the Canadian federal government institute “a contract method” of Indian education:

Wherever the missionaries have schools, the Government should utilize those schools, if possible; that is to say, a contract should be made with the religious body controlling the school to board and educate and train industrially a certain number of pupils. This should be done without interfering with the small assistance at present give to the day-mission schools.¹⁴⁷

Davin was a proponent of the boarding schools and believed that the existing system of day schools ran by religious missions in Canada could be used as a “foundation for the residential school system” and could implement this method.¹⁴⁸ Soon after Davin’s tour to the United States, several government-funded boarding schools managed by missionaries opened in Canada, including the Qua’Apple Industrial Schools in Saskatchewan run by the Roman Catholics, and others run by the Episcopalian, Methodist, and Presbyterian Churches.¹⁴⁹ His recommendation included for these schools were specific teachers and salaries but, most notably, was his recommendation of coercive tactics to persuade parents to send their children to these schools by offering “extra rations for students who showed ‘special aptitudes or exceptional general quickness.’”¹⁵⁰

While the structure of the boarding schools in Canada was modeled after the industrial boarding schools in the United States, the two systems viewed student discipline somewhat differently. Henry Pratt’s use of a military style discipling influenced many of the boarding schools across the United States, but Canadian schools primarily utilized monastic models of discipline. Although the methods of discipline were different, the effect that the discipline systems had on students were similar. Both styles resulted in a diminishment of cultural identity and prohibited the use of native

146. See *id.*; see also *The Davin Report, 1879*, NISHNAWBE ASKI NATION, <http://rschools.nan.on.ca/article/the-davin-report-1879-1120.asp> (last visited Nov. 7, 2021).

147. *The Davin Report, 1879*, *supra* note 146.

148. Woolford, *supra* note 128, at 36.

149. *Id.*; *The Davin Report, 1879*, *supra* note 146.

150. *The Davin Report, 1879*, *supra* note 146 (quoting NICHOLAS FLOOD DAVIN, REPORT ON INDUSTRIAL SCHOOLS FOR INDIANS AND HALF-BREEDS (1879)).

languages.¹⁵¹ The use of military discipline in the United States began to decline dramatically, and by the late 1920s, had mostly disappeared, whereas the monastic style of discipline used in Canadian residential schools continued into the 1950s.¹⁵² One method, the “Durieu system,” aimed at ridding Indigenous children of any behavior that was deemed unchristian and utilized strict rules, punishments, and even the use of Indian watchmen and informers who acted as agents to ensure conformity.¹⁵³

In Canada, the Assembly of First Nations described the Indian residential school system as “total institutions” where all activities of students were subject to regulation by the staff of the school.¹⁵⁴ Similar to the systems of control used in American boarding schools described above, student actions in Canadian schools, from eating to playing and speaking, were supervised and controlled by school staff.¹⁵⁵ While no two schools were the exact same, many of the schools throughout Canada used similar goals to deprive students of communicating in their Native language and force them to speak in English or French.¹⁵⁶ An additional similarity between the schools was that proponents of the boarding schools feared that students would lose their education from the schools when they traveled home. Many of the superintendents of Canadian residential schools supported keeping visitors away from the schools, sometimes even if it meant involving police to enforce the rule.¹⁵⁷ After World War II, the Canadian government began to utilize an integration approach rather than an assimilation approach.¹⁵⁸ This meant that residential schools began to close their doors in areas where integration into the dominant school system was possible (and there were no available day schools). This tactic was thought to aid them in focusing on true integration that would mitigate “retrogression” or a return of students to their old ways once they returned to the reservation.¹⁵⁹ In areas where residential schools continued to operate into the 1960s, almost all teachers were federal employees, and the schools were secular rather than under missionary control.¹⁶⁰

151. See Woolford, *supra* note 128, at 37.

152. *Id.* at 38.

153. *Id.*

154. MacDonald, *supra* note 125, at 314.

155. *Id.*

156. *Id.* at 315.

157. *Id.*

158. *Id.* at 316.

159. *Id.* at 315.

160. *Id.* at 316.

IV. A Comparison of Canadian and United States' Policies and Redress

Author Andrew Woolford asks two questions:

How is it possible that Canada has arrived at an Indian Residential School Settlement Agreement . . . , whereas redress measures in the United States are few and far between? Are the differences between the two countries and their deployment of Indigenous boarding schools enough to make the Canadian case for redress more compelling?¹⁶¹

There ought to be no debate that the long history of boarding schools in the United States, and its impetus to the schools in Canada, offer no less of a coarse and detrimental impact on Indigenous peoples, their families, and tribes as a whole than Canada. It is reasonable to question then why the United States has fallen so far behind Canada in its reparations to Native Americans for its assimilation tactics. Perhaps Canada's perspective of its history offers stark differences from the United States where the history of boarding schools is buried away in files, or worse, simply lost.

A. Canadian Policies and Reconciliation

The last of Canada's federally funded residential schools closed its doors in 1984.¹⁶² In 1998, survivors of the schools received an apology for the abuses endured throughout the operation of the schools from former Canadian Indian Affairs Minister, Jane Stewart.¹⁶³ Most importantly, the Canadian government and almost 86,000 survivors of the residential school system entered into a settlement agreement.¹⁶⁴ The Indian Residential Schools Settlement Agreement (IRSSA) is "the largest class-action settlement in Canadian history."¹⁶⁵ As a result of the settlement, the survivors were awarded \$1.9 billion, and between 2007 and 2015, over \$70 million was delegated to the creation of the Truth and Reconciliation Commission and its ability to gather records to undergo a formal investigation into the schools and their effects on children and tribes.¹⁶⁶ In the six years following, the Commission collected over five million records, including the testimony of

161. WOOLFORD, *supra* note 60, at 259.

162. Colmant, *supra* note 58, at 24.

163. *Id.*

164. Schwing, *supra* note 20.

165. *Truth and Reconciliation Commission of Canada*, GOV'T OF CAN., <https://www.rcanac-cirnac.gc.ca/eng/1450124405592/1529106060525> (last modified Sept. 29, 2022).

166. *Id.*; Indian Residential Schools Settlement Agreement 12 (May 8, 2006), <https://www.residentialschoolsettlement.ca/IRS%20Settlement%20Agreement-%20ENGLISH.pdf>.

6,500 witnesses and survivors who described “rampant sexual violence, physical abuse and malnutrition in the resident schools.”¹⁶⁷

In hopes to engage the public during its investigation, the Truth and Reconciliation Commission hosted national events to “educate people about the history and legacy of the residential schools system, and share and honour the experiences of former students and their families.”¹⁶⁸ Throughout the investigation process, 400 unmarked gravesites were discovered throughout Canada, but the Commission eventually depleted its resources.¹⁶⁹ In 2012, the Commission petitioned the Canadian government for more resources but was ultimately rejected.¹⁷⁰ The head of Archives for the National Center for Truth and Reconciliation at the University of Manitoba noted that the failure to receive more funds for research resulted in only a “preliminary” report of such a wide scope of research.¹⁷¹ Notably, in a report released in 2015, the Commission declared that the Indian Residential School System could “best be described as ‘cultural genocide.’”¹⁷² The Canadian government hopes to continue to “work closely with provinces, territories, First Nations, the Métis Nation, Inuit groups and church entities to implement recommendations of the TRC and further reconciliation to the benefit of all Canadians.”¹⁷³ However, litigation extended further than the 2006 settlement. In fact, a class-action followed on behalf of day school survivors left out of the 2006 settlement, as well as on behalf of Aboriginal children who were children of residential school survivors, but were adopted out of their families in what is known as the “sixties scoop.”¹⁷⁴ Further, although the Indian Residential Schools Settlement Agreement provided some redress, it is argued that frustration remains because many claims were dismissed per their statute of limitations.¹⁷⁵

167. *Truth and Reconciliation Commission of Canada*, *supra* note 165; Schwing, *supra* note 20.

168. *Truth and Reconciliation Commission of Canada*, *supra* note 165.

169. Schwing, *supra* note 20.

170. *Id.*

171. *Id.*

172. TRUTH & RECONCILIATION COMM’N OF CAN., HONOURING THE TRUTH, RECONCILING FOR THE FUTURE: SUMMARY OF THE FINAL REPORT OF THE TRUTH AND RECONCILIATION COMMISSION OF CANADA 1 (2015), https://ehprnh2mwo3.exactdn.com/wp-content/uploads/2021/01/Executive_Summary_English_Web.pdf.

173. *Truth and Reconciliation Commission of Canada*, *supra* note 165.

174. Mayo Moran & Kent Roach, *Introduction: The Residential Schools Litigation and Settlement*, 64 U. TORONTO L.J. 479, 480 (2014).

175. *Id.* at 482.

In June of 2021, the Canadian government proposed to settle a lawsuit petitioned by Indigenous peoples after the discovery of the gravesite in Kamloops.¹⁷⁶ The Canadian government proposed to “provide C\$10,000 (\$8,259.00) to each survivor involved in the class action suit,” and additionally agreed to distribute \$50 million CAD to Indigenous nonprofits to support Indigenous people’s cultural learning and well-being.¹⁷⁷ The biggest difference in redress between the United States and Canada is Indigenous and Aboriginal Canadians’ ability to sue the Canadian government—which resulted in the large settlement of the Indian Residential Schools Settlement Agreement.¹⁷⁸ Conversely, the United States explicitly provides a disclaimer in the apology that nothing in the section supports any cause of action or settlement of any claim against the United States,¹⁷⁹ and many statutes of limitations would likely incapacitate any possibility that an individual or tribe could effectuate a claim against the United States. Another question is whether an apology is even wanted and if given, how it would serve as a form of justice and reconciliation. For example, the First Nations, Inuit, and Métis of Canada positively received the formal apology from Canadian Prime Minister Harper as “a symbolic act on a grand scale,” but other Indigenous leaders expressed disappointment in the sincerity of the apology and understatement of the mass trauma that resulted from boarding schools and how these schools as systems of assimilation continue to affect tribal culture.¹⁸⁰ However, the issuance of an apology is still a valid opportunity and major step among many for the United States government to discuss and educate Americans of the traumatic history within Native relations.

B. United States’ Movement Toward Reconciliation

Unlike Canada, the United States does not have definitive information on the number of boarding schools that operated or the number of children who

176. Anna Mehler Paperny & Moira Warburton, *Canada Proposes to Settle Indigenous Lawsuit After Discovery of Children’s Remains*, REUTERS (June, 9, 2021 7:20 PM), <https://www.reuters.com/world/americas/canada-proposes-settle-indigenous-lawsuit-after-discovery-childrens-remains-2021-06-09/>.

177. *Id.*

178. See *Truth and Reconciliation Commission of Canada*, *supra* note 165.

179. Department of Defense Appropriations Act, 2010, Pub. L. No. 111–118, § 8113(b)(1)–(2), 123 Stat. 3409, 3453–54 (2009).

180. *Are Apologies Enough?*, FACING HISTORY & OURSELVES, <https://www.facinghistory.org/stolen-lives-indigenous-peoples-canada-and-indian-residential-schools/chapter-5/are-apologies-enough> (last updated Sept. 20, 2019).

attended them.¹⁸¹ Neither has there been a formal accounting of the number of children who attended the boarding schools in the United States, the number of which died or went missing, nor an official study on the long-term effects of these schools on Native populations.¹⁸² It is estimated however, that government-funded schools in the United States affected more than one hundred thousand children.¹⁸³ Although forced enrollment in boarding schools had become heavily scrutinized by the 1970s, and the overall number of operating schools began to decline, the country is left with many years of devastation towards Native families. This is one factor that makes the federal investigation so important; the federal government's new commitment to a formal investigation and its final report to be published in April 2022 offers not only an opportunity to learn about this history which has been largely ignored or glossed over due to the inconvenience for those whose families and lives it did not and does not adversely affect. More importantly, it may offer peace and may even make slight amends to survivors and their families.

In the 1970s, the United States began to recognize one of the lasting effects of boarding schools: that Native children were displaced from their communities at far greater rates than non-Native children. Government officials removed Indian children from their homes and placed them into foster or adoptive homes at high rates similar to that of the "sixties scoop" which ravaged Canadian Indigenous families.¹⁸⁴ Government officials often cited alcoholism, lack of parental control, and neglect as justifications to remove children from their homes.¹⁸⁵ In 1978, Congress passed the Indian Child Welfare Act (ICWA) to reverse the well-established policy of removing Indian children from their homes and to place children in Native homes.¹⁸⁶ The law established the intention to keep Native American children within the Native American community if removal of a Native American child was required and justified.¹⁸⁷

181. Mary Annette Pember, *Canada, US Differ on Boarding Schools*, INDIAN COUNTRY TODAY (July 18, 2021), <https://indiancountrytoday.com/news/canada-u-s-differ-on-boarding-school-policies>.

182. Mary Annette Pember, *'We Won't Forget About the Children'*, INDIAN COUNTRY TODAY (June 6, 2021), <https://indiancountrytoday.com/news/we-wont-forget-the-children>.

183. See Sean McCollum, *An American Apology, Long Overdue*, SPLC: LEARNING FOR JUSTICE (Jan. 6, 2010), <https://www.learningforjustice.org/magazine/an-american-apology-long-overdue>.

184. See Moran & Roach, *supra* note 174.

185. Haag, *supra* note 40, at 161–62.

186. See *id.* at 165; see also 25 U.S.C. § 1902.

187. Haag, *supra* note 40, at 166.

The Indian Child Welfare Act is a notable enactment in the government's attempts to remedy its wrongs against Native Americans. The government expressly stated that it failed to recognize the "essential Tribal relations of Indian people and the cultural and social standards prevailing in Indian communities and families."¹⁸⁸ The Act grants tribal courts jurisdiction over proceedings which involve Native American children, and grants the courts the ability to consider tribal culture and customs when developing their decisions.¹⁸⁹ The Indian Child Welfare Act served as the antecedent for further governmental action including the Adoption Assistance and Child Welfare Act of 1980 which focused on family preservation in the child welfare system.¹⁹⁰ A subsequent act meant to positively affect tribal nations is the Tribal Temporary Assistance for Needy Families (TANF) which provides federal benefits to tribes to administer financial programs.¹⁹¹

More recently, United States Senators, Sam Brownback and Byron Dorgan, unsuccessfully attempted to pass the stand-alone Native American Apology Resolution in 2009, intending to offer a formal apology to Native Americans for the historical abuses at the hands of the government. The proposed resolution stated that its purpose was to "acknowledge a long history of official depredations and ill-conceived policies by the Federal Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States."¹⁹² Although the proposal was unsuccessful, it did pave a way for the 2009 "Apology to Native Peoples of the United States" (Apology) included in section 8113 of the House Defense Bill.¹⁹³ The Apology "apologizes on behalf of the people of the United States to all Native Peoples for the many instances of violence, maltreatment, and neglect inflicted on Native Peoples by citizens of the United States" and "expresses its regret for the ramifications of former wrongs and its commitment to build on the positive relationships."¹⁹⁴ However, unlike the stand-alone bill proposed, the Apology has been called indirect and "watered

188. 25 U.S.C. § 1901(5).

189. Haag, *supra* note 40, at 166.

190. *Id.* at 166 n.151.

191. *Id.* at 167.

192. Native American Apology Resolution, S.J. Res. 14, 111th Cong. (2009); *see also* Robert Longley, *U.S. Apology to Native Americans*, THOUGHTCO. (Dec. 1, 2022), <https://www.thoughtco.com/the-us-apologized-to-native-americans-3974561>.

193. Rob Capriccioso, *A Sorry Saga: Obama Signs Native American Apology Resolution; Fails to Draw Attention to It*, INDIAN L. RES. CTR. (Jan. 13, 2010), <https://indianlaw.org/node/529>.

194. Department of Defense Appropriations Act, 2010, Pub. L. No. 111-118, § 8113(a)(4)-(5), 123 Stat. 3409, 3453 (2009).

down” if even to be considered an apology at all from the government, as it was buried within the House Defense Bill and argued to have been hardly acknowledged.¹⁹⁵ The Navajo Nation in particular was left unsatisfied by the “inappropriateness of the context and delivery of their apology.”¹⁹⁶ It seems that the Navajo Nation agreed with the foundation of the Apology but not its delivery, and it is unclear if other tribes felt similarly.

The discussion of a formal apology from the U.S. government begs the question whether such an apology is necessary or even beneficial. It appears that an official, direct apology could be beneficial, and well received, as it would draw light to the history of assimilation tactics in the United States, but without action behind the apology, is easily dismissible. Further, the federal government’s newfound commitment to unearthing the abuses delivered at its hands through the control of boarding schools in the United States may garner the needed attentiveness to Native history in a more constructive fashion.

Since the announcement of the formal investigation into the history of Indian boarding schools in the United States, some positive steps have been made towards reconciliation by both state and federal governments. At the federal level, the Department of the Army announced in June of 2021 that the remains of ten Native American and Alaska Native children who attended the Carlisle Indian Industrial School would be returned.¹⁹⁷ The United States Army War College sits upon the grounds of the Carlisle School, and the Department of the Army remains in oversight of the cemetery.¹⁹⁸ The Department of the Army stated that the disinter, transportation, and reinterment of the remains into private cemeteries will be conducted “[a]t the request of the closest living relative for each decedent,” and the cemeteries are chosen by the families with all costs covered by the government.¹⁹⁹ One child was of Saint Paul Island in Alaska’s Bering Sea and nine of the children were of the Rosebud Sioux Tribe in South Dakota.²⁰⁰ The intent to reunite families with the remains of their loved ones may serve as an encouraging

195. Capriccioso, *supra* note 193.

196. Longley, *supra* note 192.

197. Jenna Kunze, *The Remains of 10 Children at the Carlisle Indian Boarding School Are Returning Home*, NATIVE NEWS ONLINE (June 17, 2021), <https://nativenewsonline.net/currents/the-remains-of-10-children-at-the-carlisle-indian-boarding-school-are-returning-home>.

198. *Id.*

199. *Id.*

200. *Id.*

indication as to how the United States will uphold the goals of its investigation.

At the state level, federal recognition and dialogue has sparked some states to offer apologies for their states' use of boarding schools and for the impact that the schools had on their tribal populations. In October of 2021, in recognition of Indigenous People's Day, the state governments of Wisconsin and Nevada made formal apologies for their state's roles in Indigenous boarding schools.²⁰¹ Further, it was reported in January of 2022, that many Catholic dioceses across the nation have undertaken an evaluation of their church's role in the operation of boarding schools.²⁰² Importantly, these inquiries have resulted in searches for evidence and records of students who attended these schools. For example, four dioceses in Minnesota met with tribal leaders to determine how to best utilize their efforts to investigate the schools that were associated with the church.²⁰³ Additionally, the Jesuit Conference of Canada and the United States tasked a researcher with investigating United States boarding schools that operated across the Rocky Mountains, Great Plains, and Alaska.²⁰⁴

It is arguable that without action supporting an apology, the value of an apology is questionable. Particularly since the "hallmark" of an apology is often said to be changed behavior, how both the state and federal government could effectively begin to remedy the harm that Indigenous boarding schools caused, remains to be seen. However, states' collaboration with churches demonstrates a substantial first step is the recognition of the churches' contributions to this history and the collaboration can also assist in uncovering records for these schools and communities and further effectuate stronger relationships between states and tribal nations.

201. Lexi Lonas, *Nevada Governor Apologizes for State's Role in Indigenous Schools*, THE HILL (Dec. 3, 2021, 8:31 PM), <https://thehill.com/homenews/state-watch/584319-nevada-governor-apologizes-for-states-role-in-indigenous-schools>; Logan Rude, *'We Share Responsibility for Acknowledging the Pain': Wisconsin Issues Apology for Role in Native American Boarding Schools*, CHANNEL 3000 (Oct. 11, 2021, 11:51 AM), <https://www.channel3000.com/we-share-responsibility-for-acknowledging-the-pain-wisconsin-issues-apology-for-role-in-native-american-boarding-schools/>.

202. Dan Frosch & Ian Lovett, *Catholic Dioceses Investigate Their Role in Boarding Schools for Native Americans*, WALL ST. J. (Jan. 1, 2022, 5:30 AM), <https://www.wsj.com/articles/catholic-dioceses-investigate-their-role-in-boarding-schools-for-native-americans-11641033001>.

203. *Id.*

204. *Id.*

C. Modern Boarding Schools

*The Native languages that were once strictly forbidden here now echo through hallways and in your dorm room conversations at night. . . . The traditions that this school was designed to destroy are now expressed in every square foot of this building.*²⁰⁵

Additional efforts by the government regarding Native education have been established,²⁰⁶ such as the Bureau's overseeing of off-reservation boarding schools in the states of Oklahoma, California, Oregon, and South Dakota, and are paired with efforts to be culturally appropriate.²⁰⁷ The support of these schools offers a way in which communities can support Indigenous peoples. In 2019, the Deputy Assistant Secretary for Policy and Economic Development of Indian Affairs at the Department of the Interior stated that the policies and treatment within historical boarding schools "could not be more antithetical to our goals for our children today."²⁰⁸ In today's boarding schools, the goal is to equip children with high quality education alongside healthy lifestyles. Riverside Indian School, in Anadarko, Oklahoma, is the largest off-reservation school and the oldest boarding school in the United States as it has been attended since 1871.²⁰⁹ However, the modern boarding school prioritizes development of students and staff through "cultural, spiritual, physical, technological and academic experiences."²¹⁰ The Cherokee Nation operates another school, Sequoyah High School, located in Tahlequah, Oklahoma, receiving funding from the Bureau of Indian Education.²¹¹ Notably different from the original tactics of boarding schools, modern Indian schools such as Riverside and Sequoyah accept students' applications for enrollment.²¹² Riverside's focus is on

205. Michelle Obama, *Remarks by Michelle Obama at Santa Fe Indian School Commencement*, N.M. POL. REP. (May 26, 2016), <https://nmpoliticalreport.com/2016/05/26/remarks-by-michelle-obama-at-santa-fe-indian-school-commencement/>.

206. Colmant, *supra* note 58, at 26.

207. *Investigating the Health and Safety Risks of Native Children at BIE Boarding Schools: Hearing Before the Subcomm. for Indigenous Peoples of the United States, Comm. on Nat. Res.*, 119th Cong. 32 (2019), <https://www.congress.gov/116/chrhg/CHRG-116/hrhg36445/CHRG-116/hrhg36445.pdf> (statement of Mark Cruz, Deputy Assistant Sec'y, Pol'y & Econ. Dev., Indian Affairs, U.S. Dep't of the Interior).

208. *Id.*

209. RIVERSIDE INDIAN SCHOOL, <https://ris.bie.edu> (last visited Mar. 20, 2022).

210. *Id.*

211. *Education Services*, CHEROKEE NATION, <https://www.cherokee.org/all-services/education-services/sequoyah-schools/sequoyah-high-school/> (last visited Mar. 20, 2022).

212. *Id.*; RIVERSIDE INDIAN SCHOOL, *supra* note 209.

educating the student using a holistic approach to set strong foundations for student academic achievement, personal growth, and healthy living in an environment that celebrates students' cultures.²¹³ Sequoyah High School prides itself on its offering, celebrating, and preserving Cherokee language through its immersion school as well as its competitive athletics.²¹⁴ A long way from the traumatic legacy of boarding schools, modern schools seem to demonstrate a positive education option for students to explore their cultural heritage and encourage their academic success.

The conjunction of positive efforts by the Bureau, as well as community involvement, aids to develop stronger relationships between tribes and the federal government. In review of the Broken Promises Report, Deputy Assistant Secretary for Management in the Office of Assistant Secretary for Indian Affairs, Jason Freihage, noted that not only has the office worked to develop strong relationships with tribes, but also to ensure that proper services are delivered to tribes through the Bureau of Indian Affairs.²¹⁵ As part of its efforts, the Bureau's budget would allow for the Bureau to increase capacity and deliver better services to the schools. The Bureau also has in place programs for safety and justice to support tribal law enforcement and corrections programs; health and human services, such as maintaining efficient programs for welfare assistance; support of the Violence Against Women Act; and mitigation and combat of the effects of the opioid crisis in tribal communities.²¹⁶

V. Potential Obstacles the United States Faces in Its Investigation

*[J]ust hoping that this might be the time that people in the United States will listen.*²¹⁷

Canada's experiences in locating school records and its recent discovery of burial sites along its former boarding schools offers some insight into the difficulties that the United States may face. For example, Canada discovered a large challenge in identifying the number of students who attended

213. RIVERSIDE INDIAN SCHOOL, *supra* note 209.

214. *See id.*; *Education Services*, *supra* note 211.

215. Jason Freihage, Deputy Assistant Sec'y for Mgmt., Off. of the Assistant Sec'y for Indian Affs., U.S. Dep't of the Interior, Statement Before the House Subcommittee for Indigenous Peoples of the United States 1 (Nov. 19, 2019), <https://docs.house.gov/meetings/II/II24/20191119/110246/HHRG-116-II24-Wstate-FriehageJ-20191119.pdf> (testimony at "Reviewing the Broken Promises Report: Examining the Chronic Federal Funding Shortfalls in Indian Country").

216. *Id.* at 2–3.

217. Kelly et al., *supra* note 122 (quoting Mary Annette Pember).

boarding schools altogether. The United States stands to face similar issues since records of the students who attended these schools are "inaccurate, scattered, and missing".²¹⁸ Additionally, even as schools did partake in record-keeping,²¹⁹ these records may have been destroyed over numerous years.²²⁰ For example, the Mount Pleasant Indian Industrial Boarding School located in Michigan operated under the federal government for over forty years, from 1893 to 1943.²²¹ Within those forty years, the United States only maintained records of five deaths but once the State of Michigan returned the land the Saginaw Chippewa Indian Tribe in 2010, records showed that at least 227 children had died or gone missing.²²²

Further, as Canada has also discovered, many of the gravesites surrounding former Canadian boarding schools were unmarked or at least seem to have been left unmarked. One reason that many gravesites were often left without marking the headstones of students, like the multiple that were discovered using radar this year, is that residential schools traveled through periods of extremely high death rates, which resulted in quick, record-less burials.²²³ Furthermore, even if sites were marked, it could be difficult to decipher many of them as many headstones needed to be made and done so inexpensively. Therefore, many headstones were made of wooden crosses, and they would decay within a few generations.²²⁴ Exceptionally high mortality combined with poor record keeping within the schools resulted in the estimation that the total deaths could be between 6,000 and 25,000 by the Truth and Reconciliation Commission.²²⁵ A striking range of deaths demonstrable by the uncovering of mass unmarked gravesites would prove to be difficult to survey.

The United States may also find issue in reuniting families with remains of loved ones, because many sites contained not only children but also former staff and administrators. Although modern schools improved their record-keeping, the ability to determine students and their respective tribes may come with less of a challenge, but not without a large expense. For example,

218. S. 2907, 117th Cong. § 3 (2021).

219. WOOLFORD, *supra* note 60, at 177–78.

220. Graham Lee Brewer, *Indian Boarding School Investigation Faces Hurdles in Missing Records, Legal Questions*, NBC NEWS (July 15, 2021, 4:30 AM), <https://www.nbcnews.com/news/amp/ncna1273996>.

221. *Id.*

222. *Id.*

223. Hopper, *supra* note 6.

224. *Id.*

225. *Id.*

as part of the Indian Residential Schools Settlement Act, the Canadian Truth and Reconciliation Commission was tasked with investigating federal boarding schools and eventually lacked the funds it needed to continue to its investigation.²²⁶ It would not be surprising if the United States faced similar hurdles in funding such a large task throughout the United States. In 2021, around 1,000 graves were discovered across two former Indian Residential Schools in Canada.²²⁷ In comparison, the United States government operated hundreds of boarding schools across the nation for over more than one hundred years. The magnitude of children discovered at just these few institutions leaves a grim preview of the discoveries to be made surrounding the boarding schools operated within the United States. As records are uncovered, so is a brutal history that Native communities will brace to face head on. Specifically, the discovery of burial sites where the bodies of their ancestors lay carries a looming cloud of grief and ache, and it is unimaginable what storm is to be felt upon the discovery of the sites. This reinforces the need for collaboration between the federal government and tribal nations. This investigation is as daunting as it is delicate.

Additionally, a looming question is what happens after the submission of the report in April 2022. What next steps ought tribal nations expect? In Canada, as referenced, survivors and decedents managed a large settlement as a result of the Truth and Healing Commission's exploration, but this is notably not an option in the United States. In any manner, a substantial question is how do settlements affect individual Indigenous peoples? Specific tribes? The settlements such as the Indian Residential Schools Settlement Agreement reflect a substantial burden on the typical Canadian taxpayer as well, arguably misplacing the blame from the Canadian government as a consequence of their actions to the generations of victims receiving what could be considered as "handouts" ironically furthering the "lazy Indian" trope. Recognizing this, is the argument for a form of "reparations" viable?

Another substantial obstacle that the United States may face in its efforts to encourage dialogue surrounding the historical treatment of Native Americans in this country are the many critics who see historical education as a political plight rather than the story of the nation that has shaped the lives of individuals, families, and tribes today. For example, debates have materialized which condemn the teaching of critical historical aspects which shape the way that our nation developed, and which continue to influence the

226. See *Truth and Reconciliation Commission of Canada*, *supra* note 165.

227. Austen & Bilefsky, *supra* note 5.

structures of society today. In particular, debates over “Critical Race Theory” have become increasingly prevalent in media and news outlets as the concept has garnered applause and harsh criticism. Critical Race Theory is defined as a “practice of interrogating the role of race and racism in society” to “critique[] how the social construction of race and institutionalized racism perpetuate a racial caste system that relegates people of color.”²²⁸ Some states have enacted statutes which aim to limit the conversations in the classroom surrounding racism and racial influence, and many of the laws passed by state legislatures directly affect teaching about colonization, assimilation, Indigenous people, western expansion, and Native sovereignty.²²⁹ However, proponents of Critical Race Theory argue that it limits the honest conversations to be discussed in the classroom such that “laws and bans will only add to the feelings of exclusion, marginalization, and erasure that many Natives Americans already encounter as they matriculate through the American education system.”²³⁰ While the discussion of American Indian and government relations is not easy and certainly not comfortable, the erasure of the dialogue effectively effaces the connection to the very real history which continues to impact Indigenous students, families, and tribes.

Many Indigenous communities share the experience of intergenerational trauma, such as that brought on by the experiences of the forced assimilation tactics of federal boarding schools, but their actual lived experiences are not necessarily the same. As author Andrew Woolford stated, “To connect these experiences [poverty, high food costs, poor quality housing] solely to the historical wrongs rather than the current problems would be a disservice to ongoing demands for social justice in Indigenous communities.”²³¹ However, it is certain that assimilation policies did attempt to eradicate Native culture, leaving behind broken languages and cultures. It is necessary to note the many ways in which Native Americans do not experience equity in the United States. For instance, tribal reservations generally exist on land held in trust by the federal government, therefore, unlike the traditional public school system in the United States, which relies on property taxes to fund schools, tribal nations generally rely upon the Bureau of Indian Education for the

228. Janel George, *A Lesson on Critical Race Theory*, AM. BAR ASS’N (Jan. 11, 2021), https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/civil-rights-reimagining-policing/a-lesson-on-critical-race-theory/.

229. Joshua Adams, *How the War over Critical Race Theory Affects Native Americans*, THE NATION (Nov. 2, 2021), <https://www.thenation.com/article/culture/native-americans-crt-debate/>.

230. *Id.*

231. WOOLFORD, *supra* note 60, at 261.

management of its schools.²³² Meanwhile, it's fiercely argued that the Bureau has largely neglected its duties to adhere to its responsibilities overseeing the educational attainment and progress of students.²³³

Another hurdle that the United States must overcome is the ways in which it can effectively address the disparate impacts that its abusive history continues to have on Native Americans from health to education and everything in between. The blend of deeply rooted historical trauma and flawed programs and policies have created increased educational, health, and financial disparities compared to that of the general population—ranking Native Americans at the bottom or nearly the bottom in social, health, and economic indicators.²³⁴ According to the National Council on Aging, Native Americans (and Alaska Native) have the highest poverty rates, and maintain a higher unemployment rate than the national average.²³⁵ Further, 16.7 percent of Native children lack health insurance coverage, while 26.4 percent of Native adults aged 18 to 24 are without health insurance.²³⁶ Indigenous children are also overrepresented in foster care at a rate of 2.7 times greater than their white peers.²³⁷ Most devastatingly, in terms of mental health, suicide is the second leading cause of death for American Indian youth aged ten to twenty-four, which places teen suicide rates 3.5 times greater than the national average.²³⁸

232. See Joshua Ward Jeffery, *Why Do Native People Disappear From Textbooks After the 1890s?*, EDUC. WK. (Aug. 16, 2021), <https://www.edweek.org/teaching-learning/opinion-why-do-native-people-disappear-from-textbooks-after-the-1890s/2021/08>.

233. *Id.*

234. *American Indians and Alaska Natives: Key Demographics and Characteristics*, NAT'L COUNCIL ON AGING (Jan. 10, 2023), <https://www.ncoa.org/article/american-indians-and-alaska-natives-key-demographics-and-characteristics>; *Indian Health Disparities*, INDIAN HEALTH SERVS. (Oct. 2019), https://www.ihs.gov/sites/newsroom/themes/responsive2017/display_objects/documents/factsheets/Disparities.pdf (fact sheet).

235. *American Indians and Alaska Natives: Key Demographics and Characteristics*, *supra* note 234.

236. *Health of American Indian or Alaska Native Population*, CTRS. FOR DISEASE CONTROL & PREVENTION, <https://www.cdc.gov/nchs/fastats/american-indian-health.htm> (last updated Feb. 1, 2023).

237. *What Is Disproportionality in Child Welfare?*, NAT'L INDIAN CHILD WELFARE ASS'N (Sept. 2017), <https://www.nicwa.org/wp-content/uploads/2017/09/Disproportionality-Table.pdf>.

238. *Teen Suicide Prevention*, CTR. FOR NATIVE AM. YOUTH, <https://www.cnay.org/suicide-prevention/> (last visited Apr. 13, 2023).

VI. Conclusion

The Department of the Interior's federal investigation into the history of Indian boarding schools in the United States offers a pronounced step towards uncovering the history and the painful truths of the injustice and violence towards Native Americans and can serve as a foundation to facilitating justice. The investigation is full of hurdles including an extremely lacking record of schools and the numbers of students who have attended and available options for adequate remedies.

The biggest influence that the government's investigation offers is an honest dialogue of its unforgiving history of violence and may as well offer hope for appropriate reconciliation for the families and tribes of former students that continue to carry the burden of its impacts. It seems uncertain what actions may come after the final report, but with the assistance of organizations such as the National Native American Boarding School Healing Coalition, and the efforts to listen to tribes' cultural concerns regarding the investigation, there is some opportunity for the country to learn and build towards reconciliation.

While no action can wholeheartedly remedy the irreparable harm and trauma that these schools caused to its students, their families, tribes, and decedents, Americans can seek to understand the historical context of these actions, and educate one another, on the history that continues to permeate the lives and livelihood of Indigenous families and tribes today.