



# USET

SOVEREIGNTY PROTECTION FUND

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December 16, 2021

Bryan Newland  
Assistant Secretary – Indian Affairs  
U.S. Department of the Interior  
1849 C Street NW  
Washington, DC 20240

Dear Assistant Secretary Newland,

On behalf of the United South and Eastern Tribes Sovereignty Protection Fund (USET SPF), we submit these comments in response to the Department of the Interior's (DOI's) Tribal consultations on implementation of its Indian Boarding School Initiative. DOI held Tribal consultations on November 17, 18, and 23, 2021 to receive input from Tribal Leaders on the historic and ongoing impacts of Indian Boarding School policies on Tribal citizens, families, and cultures. USET SPF supports the efforts of DOI Secretary Deb Haaland and the Bureau of Indian Affairs (BIA) to shed light on these historic injustices and the continued trauma that these policies have visited upon our people. Acknowledging these human rights abuses is the first step in a path to healing and reconciliation for crimes committed against Native children and Tribal Nations by the U.S. government. The U.S. must work to atone for centuries of transgressions against our children and the effects Indian Boarding Schools have had on our communities. We urge DOI to commit fully to the work of reconciliation and ensure this effort is sustained beyond this current Administration to a meaningful and thorough conclusion.

USET SPF is a non-profit, inter-tribal organization advocating on behalf of thirty-three (33) federally recognized Tribal Nations from the Northeastern Woodlands to the Everglades and across the Gulf of Mexico.<sup>1</sup> USET SPF is dedicated to promoting, protecting, and advancing the inherent sovereign rights and authorities of Tribal Nations and in assisting its membership in dealing effectively with public policy issues.

During the Assimilation Era of federal Indian law and policy, the federal government's objective was infamously stated by U.S. General Richard Pratt as, "kill the Indian and save the man." Our children, as young as 3 years old, were forcibly removed from our families, homes, and culture, and placed into Indian

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<sup>1</sup> USET SPF member Tribal Nations include: Alabama-Coushatta Tribe of Texas (TX), Aroostook Band of Micmac Indians (ME), Catawba Indian Nation (SC), Cayuga Nation (NY), Chickahominy Indian Tribe (VA), Chickahominy Indian Tribe—Eastern Division (VA), Chitimacha Tribe of Louisiana (LA), Coushatta Tribe of Louisiana (LA), Eastern Band of Cherokee Indians (NC), Houlton Band of Maliseet Indians (ME), Jena Band of Choctaw Indians (LA), Mashantucket Pequot Indian Tribe (CT), Mashpee Wampanoag Tribe (MA), Miccosukee Tribe of Indians of Florida (FL), Mississippi Band of Choctaw Indians (MS), Mohegan Tribe of Indians of Connecticut (CT), Monacan Indian Nation (VA), Nansmond Indian Nation (VA), Narragansett Indian Tribe (RI), Oneida Indian Nation (NY), Pamunkey Indian Tribe (VA), Passamaquoddy Tribe at Indian Township (ME), Passamaquoddy Tribe at Pleasant Point (ME), Penobscot Indian Nation (ME), Poarch Band of Creek Indians (AL), Rappahannock Tribe (VA), Saint Regis Mohawk Tribe (NY), Seminole Tribe of Florida (FL), Seneca Nation of Indians (NY), Shinnecock Indian Nation (NY), Tunica-Biloxi Tribe of Louisiana (LA), Upper Mattaponi Indian Tribe (VA) and the Wampanoag Tribe of Gay Head (Aquinnah) (MA).

*Because there is Strength in Unity*

Boarding Schools. While at these Boarding Schools, we were forbidden to speak our language, practice our cultural and religious beliefs, and subjected to horrendous abuse and treatment. By 1926, it was estimated that 83 percent of Native children were enrolled in these schools. The era of Indian Boarding Schools has ended, but the effects remain and persist in our communities, and the survivors who returned home brought with them memories of unspeakable acts and teachings.

In 2014 USET adopted [Resolution No. 2014:044](#), which asserted that neither the U.S, nor any Christian denomination in the U.S, has offered a meaningful apology or any restitution for the generations of harm caused by the cultural genocide of Indian Boarding School policies. To begin the healing process, and address the harms endured by our children, a comprehensive report is needed on the deplorable history of Indian Boarding Schools, including state and religious institutions, and how they continue to contribute to intergenerational trauma within our communities. There must be closure, atonement, and a formal apology issued by the United States for our children and families that continue to experience intergenerational trauma by the Indian Boarding School policies. DOI's attempt at reconciling the harmful effects of Indian Boarding School policies is just one step forward in addressing the historic and ongoing traumas these policies have had on our people. We expect ongoing consultation and communication with DOI and other federal agencies as this process moves forward. We also expect DOI and the whole of the federal government to address the findings of this initiative swiftly and properly in close collaboration and consultation with Tribal Nations. Additionally, USET SPF defers to our member Tribal Nations for more specific recommendations on how the federal government should address the historic and ongoing traumas of Indian Boarding School policies. Due to the cultural sensitivity of this issue, Tribal and cultural Leaders should be the sole decisionmakers on how our interred children are appropriately cared for.

### **The Federal Government Must Appropriately Identify Remains and Consult with Tribal Nations on How to Best Honor Them**

The federal government must do everything it can to identify the remains of our children to ensure that each Tribal Nation is aware of where our children are interred, including when they are buried on state or private land. This includes working with Tribal Nation archivists and other officials since many have already done significant work in this space. DOI must also consult with Tribal Nations to determine if our children should be repatriated or remain where they are. Every Tribal Nation has certain ceremonial practices that must be offered for those who have passed. Decisions on how to honor, mourn, and care for those we have lost, including whether to repatriate or leave our children where they are buried, should be made by Tribal and cultural Leaders only. DOI should continue to consult with our Tribal and cultural Leaders to determine our wishes and facilitate appropriate protocols for repatriation or ceremonial acknowledgement. Additionally, Tribal Nations wishing to conduct ceremony over the final resting places of our children should be guaranteed the opportunity to do so.

### **Our Children's Burial Sites Must be Protected**

As it identifies burial sites, the federal government must ensure that these areas are protected from visitation and disturbance by non-Tribal citizens. Although DOI should limit public access to burial sites, it should also consult with Tribal Nations to ensure that Tribal citizens are allowed to visit and conduct ceremonies, as deemed appropriate by Tribal Nations. DOI should also defer to Tribal Nations when we are claiming a burial site and identification cannot be confirmed by the federal government. The federal government must uphold its trust and treaty obligations to Tribal Nations and ensure that burial sites located on non-federal lands are protected. Furthermore, the location of burial sites and other sensitive information should also be protected from non-Tribal Freedom of Information Act (FOIA) requests and when these requests are submitted, DOI should inform the relevant Tribal Nation(s).

## **DOI Must Advocate for Tribal Nations When Burial Sites Are Located on Non-Federal Lands**

We know that our children were also taken from our homelands and sent to boarding schools that were not controlled or operated by the federal government, but rather controlled by religious and state institutions. Nonetheless, an examination of these places should fall within the scope of DOI's Indian Boarding School Initiative, as they also hold the remains of our children and the keys to understanding the full impacts of Indian Boarding School policies. A light must also be shown on their sins and their records must be examined and made available to Tribal Nations as a part of this effort. Additionally, DOI should work with the Department of Justice (DOJ) to obtain records and other information when a burial site is in an area controlled by a state or local government, or by a parochial school. DOI and DOJ must exert their trust and treaty obligations to Tribal Nations to do everything within the federal government's power to ensure that burial and other records for non-federal institutions and lands are appropriately shared with Tribal Nations. This would ensure that none of our children are forgotten in this process.

## **Address Ongoing Trauma**

DOI's initiative to address the deplorable actions of Indian Boarding School policies is long overdue. However, if the federal government truly intends to reckon with the full impact of these policies, it must fully acknowledge its responsibility for ongoing intergenerational trauma and the trauma experienced by survivors and their descendants and commit to addressing this pain. While we appreciate that DOI is collaborating with the Department of Health and Human Services (HHS) on this initiative, it is also important that DOI coordinate with HHS and other federal partners to provide mental and behavioral health assistance and services to Tribal citizens that have been affected by Indian Boarding School policies. DOI should also work with Indian Country and its federal partners to advocate for increased funding from Congress for initiatives focused on addressing the intergenerational trauma experienced by Tribal Nations and our citizens. These efforts should occur in consultation with Tribal Nations.

## **Conclusion**

For generations, the U.S. government worked to eradicate Tribal Nations and our way of life through the theft of our most precious resource—our children. Our hearts remain heavy with this loss and our communities, citizens, and cultures have suffered in immeasurable ways because of these past atrocities. DOI and the entire federal government must bring to light the truths of Indian Boarding School policies in the U.S. and provide a foundation for the healing of Tribal Nations and our citizens and families. In addition to making this initiative comprehensive, meaningful, and substantive, DOI must continue to uphold its trust and treaty obligations to Tribal Nations and ensure that its federal partners uphold their obligations as well. DOI should also ensure that any progress on the Indian Boarding School Initiative is guided by our Tribal and our cultural Leaders. The time is long overdue for the federal government and the American people to engage in honest reconciliation with the past and the intergenerational trauma we continue to experience today. Truthful acknowledgement and reconciliation will allow us all to move forward as citizens of a more just and honorable United States. Should you have any questions or require further information, please contact Ms. Liz Malerba, USET SPF Director of Policy and Legislative Affairs, at [LMalerba@usetinc.org](mailto:LMalerba@usetinc.org) or 615-838-5906.

Sincerely,



Kirk Francis  
President



Kitcki A. Carroll  
Executive Director