

May 11, 2022

The Honorable Teresa Leger Fernández, Chair  
Subcommittee for Indigenous Peoples of the  
United States  
Committee on Natural Resources  
United States House of Representatives  
1324 Longworth House Office Building  
Washington, DC 20515

The Honorable Jay Obernolte, Ranking Member  
Subcommittee for Indigenous Peoples of the  
United States  
Committee on Natural Resources  
United States House of Representatives  
1324 Longworth House Office Building  
Washington, DC 20515

**RE: ABA Support for H.R. 5444, the Truth and Healing Commission on Indian Boarding School Policies Act**

Dear Chair Leger Fernández and Ranking Member Obernolte:

I write on behalf of the American Bar Association (ABA), the largest voluntary association of lawyers and legal professionals in the world, to commend you for holding a hearing this week on H.R. 5444, the Truth and Healing Commission on Indian Boarding School Policies Act, and to urge you to collaborate with the House Education and Labor Committee, which has joint jurisdiction, to promptly move this bill to the House floor for a vote. Please include this letter of support in the hearing record.

The purpose of this legislation is to formally investigate and document past grievous harms arising from former federal policy and laws that originated in the early 1800s aimed at forcibly removing Indigenous children from their families and communities and placing them in government-sponsored residential boarding schools for the purpose of assimilating and “civilizing” them through the eradication of their tribal culture.

At the hundreds of boarding schools that proliferated in the United States, Indigenous children were required to adopt new names and prohibited from speaking their Indigenous languages or engaging in their tribal customs. Denied contact with their families, they were subjected to harsh discipline, abuse, physical and sexual violence, neglect, and malnutrition. Disease was rampant and an untold number of children died while suffering under these abysmal conditions. Parents often were not informed about what happened to their children.

The cruelty and brutality of the boarding school experience have been acknowledged on several occasions. Notably, in 2009, Congress passed an apology resolution, introduced by then-Senator Brownback (R-KS), that acknowledged the forcible removal of Indian children to residential boarding schools and apologized “to all Native Peoples for the many instances of violence, maltreatment, and neglect inflicted on Native Peoples by citizens of the United States.”

Despite these acknowledgements and decades-long efforts by parents and tribal leaders to obtain information about the fate of these children, the United States Government did not make a concerted effort to determine how many children were compelled to attend these residential

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schools and how many died or disappeared in their custody.

This changed in June 2021 when the Department of the Interior announced the [Federal Indian Boarding School Initiative](#) to investigate the destructive legacy and lasting consequences of Indian boarding schools. It was primarily tasked with identifying boarding school facilities and sites, locating known and possible student burial sites, and identifying the Tribal affiliations of children interred at such locations. Its initial report is expected to be released today.

Enactment of H.R. 5444 would complement these efforts by providing for a full accounting of this painful era of our history. It would create a commission to investigate and document the human rights violations and cultural genocidal practices of the boarding school era. The commission would collaborate with the Department of the Interior Initiative and require consultation with Native communities. It also would create a forum for Native victims and families to share and discuss the personal and intergenerational trauma they experienced because of boarding schools.

The information acquired through the investigation would ultimately be used to develop recommendations for the Federal Government to acknowledge its legacy of cultural genocide, engage in the healing of historical trauma, and ensure the cessation of the removal of Native children from their families in the present day.

The ABA has long advocated for the recognition of the rights of American Indians and Alaska Natives and urged the federal government to honor and deliver upon its trust-obligations to all Tribal Nations. In a [policy adopted in 2021](#), the ABA specifically urged congressional support and full funding for the Federal Indian Boarding School Initiative and the enactment of the Truth and Healing Commission on Indian Boarding School Policy Act.

As many have noted over the years, it is imperative that this nation document the extent and enduring impact of the atrocities committed at boarding schools in an effort to “kill the Indian and save the man” and take meaningful remedial action to start the healing process. It has been thirteen years since Congress tried to address this problem through the acknowledgement of its existence. Further action is long overdue; we urge you to do everything you can to assure enactment this Congress of the Truth and Healing Commission on Indian Boarding School Policies Act.

If you have any questions regarding the ABA’s position, please contact Denise Cardman, deputy director of the Governmental Affairs Office at: [denise.cardman@americanbar.org](mailto:denise.cardman@americanbar.org).

Sincerely,



Reginald M. Turner, Jr.

CC: Raúl M. Grijalva, Chair, House Natural Resources Committee

Bruce Westerman, Ranking Member, House Natural Resources Committee

Members of the House Subcommittee for Indigenous Peoples of the United States