



Chairpersons Leger Fernandez and Grijalva  
Subcommittee on Indigenous Peoples of the United States  
Committee on Natural Resources

Chairperson Leger Fernandez, Chair Grijalva, and ranking member Congressman Obernolte, I want to thank your time and diligence to take and hear testimony on an issue that has for far too long not been adequately addressed. Below, are the answers to the questions submitted to us. The Shawnee Tribe remains ever ready to provide the support necessary to see this issue to the finish line. The testimonies of the survivors are a witness to the fundamental need for truth, healing, and reconciliation in our country over Native boarding schools.

Benjamin J. Barnes, Chief  
Shawnee Tribe

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Questions Legislative Hearing on H.R. 5444

From Rep. Grijalva for The Honorable Ben Barnes, Chief, Shawnee Tribe

1. As a tribal leader, can you explain how the federal trust responsibility obligates the federal government to address its role in the Boarding School Era?

Speaking specifically to the issues of the Shawnee Tribe, we authored a letter to Congress in 1850 asking for answers about our children. We still await correspondence back. Many non-Native parties have since received correspondence from Congress, such as the Indian Agent, various missionaries, and school superintendents, while tribal nations all wait for answers. <sup>i</sup>

The Shawnee Tribe has seen within the historic record, correspondence between federal agents (eg. Indian Agents, school superintendents, territorial governors) regarding the operation of our missions, and it is these documents that demonstrably evidence the United States federal government as the original author of residential boarding school policy in this country. <sup>ii</sup>

2. Can you speak to the obstacles you've faced when attempting to locate and reveal records pertaining to boarding schools?
  - a. Do you think that legislation like H.R. 5444 is needed to gain access to these records and testimonies?

The Shawnee Tribe is already awaiting the answers it was promised, not just from our inquiries in 1850-52. Almost two years ago, a nonprofit in Kansas City, KS conducted a study of the cemetery of the family of the Shawnee Indian Manual Labor School (SIMLS) superintendent. We wondered if there were unmarked graves in that cemetery that could potentially belong to our children. The laboratory results are complete, and the local 501c3 that contracted the survey has yet to share those results with the Shawnee Tribe.

I am certain there will be other organizations, perhaps some that are culpable for terrible things against other tribal nations, and it will require a mechanism to ensure that a complete sharing of information occurs. If the Shawnee are already experiencing this over a 150-plus year old boarding school, I can only imagine there will be even more dissonance, confrontations, and adversarial postures from institutions that are still in operations where children were traumatized.

Questions from Rep. Leger Fernández for The Honorable Ben Barnes, Chief, Shawnee Tribe



1. In your testimony, you note that the Shawnee Tribe sought out historians and researchers to account for the history of the Shawnee Indian Manual Labor Boarding School.

a. Can you explain this process a little more? Are there any federal resources available to help with fact-finding projects like these?

The Shawnee Tribe has always been a tribe that knows its history. We are fortunate to have many passionate and professional individuals in our community. However, even with this advantage, there are specific disciplines for which we have had to contract third-party, non-Native professionals because of a lack of federal financial support to tribal nations does not prioritize all of the necessary services to conduct such research.

At no small expense to our government, we have hired two professional historians, Dr. Stephen Warren at the University of Iowa and Dr. Kevin Abing of Marquette University. We have also approached the Ball State Applied Archaeology Laboratory, the Illinois Archaeological Survey, and Indiana University's Glenn A. Black Laboratory of Archaeology, regarding potential ground sensing procedures (LIDAR, radio magnetometry, ground-penetrating radar, and electrical sensitivity) to help us understand how to search for unknown buried persons that may be interred at the Shawnee Indian Manual Labor School.

I also feel the need to point out, the Shawnee Indian Manual Labor School is just one of our boarding schools. In Kansas City, we also had the Shawnee Baptist mission and the Shawnee Quaker mission. We also have citizens that attended Chillicothe, Haskell, Carlisle, and a host of others around the country.

Suffice it to say, our government is ill-financed to float the burden to conduct all of these research projects and ground studies, let alone the expenses to travel about half of the United States searching for our graves and the records that might contain the story of our children. While we feel obligated as a people to do this work, it will most certainly detract from the time and efforts of supporting our communities, elders and children.



Supposing that the Shawnee Tribe was did indeed have all the sufficient organizational capacity and funding to do all of this research, we still face one of the more significant and less talked about issues is how to address what happens when we find them. For example, if the Shawnee were to begin the ground sensing at the SIMLS and discover a grave, what would follow next would be additional tragedy heaped upon early ones. Since the land at SIMLS is owned by the State of Kansas, they would likely exhume the body to ensure it not to be a recent crime victim. Following that process by the local coroner and state officers, the body would then be subject to federal NAGPRA law and consultations would have to be had with all of the tribes from that geographic area that could possibly have a NAGPRA-claim. This would bog down the process of returning our child home.<sup>iii</sup>

It has become abundantly clear to the Shawnee Tribe that if we are to conduct searches of the premises of the SIMLS for our children, we really need to do so on our terms: we need to own the land. We strongly feel that the seized lands upon which residential boarding schools were built must be returned to the tribal nation to whom the land initially belonged.

2. Can you explain why timely passage of H.R. 5444 is critically important for the preservation of survivor testimony?

It is self-evident from the testimony of the four witnesses, who so bravely recounted the brutality they lived under during their attendance at boarding schools, that many of the victims are elderly. Not only can we not wait for more favorable winds or perfect circumstances to seek truth and healing, but we are in a time of global pandemic. How many voices of victims have already been lost to this disease or just to time?

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<sup>i</sup> Kevin J. Abing, "A Fall from Grace: Thomas Johnson and the Shawnee Indian Manual Labor School, 1839-1862" Ph.D. dissertation, Marquette University, 1995, pg 303.

<sup>ii</sup> Civilization Act of 1819.pg 303; Brenda J. Child, "A Bitter Lesson: Native Americans and the Government Boarding School Experience, 1890-1940." Ph.D. dissertation, University of Iowa, 1993.

<sup>iii</sup> For a very brief primer on NAGPRA interactions with boarding school endeavors, please see: Sarah E. Cowie, Diane L. Teeman, and Christopher C. LeBlanc, in *Collaborative Archaeology at Stewart Indian School* (Reno, NV: University of Nevada Press, 2019), pp. 9, 209.