



Federal Indian Boarding School Initiative Investigative Report

May 2022

**Assistant Secretary – Indian Affairs
Bryan Newland**



Table of Contents

1. Federal Indian Boarding School Initiative	3
2. Executive Summary	5
3. Overarching Instructions	10
4. Data Collection Process and Review of Relevant Information	13
5. Developing the Federal Indian Boarding School List.....	17
6. U.S. Law and Policy Framework: Indian Territorial Dispossession and Indian Assimilation.....	20
6.1 U.S. War-Making Power: The War Department’s Historic Role in Indian Affairs	25
6.2 U.S. Treaty-Making Power: Indian Territorial Dispossession and Indian Assimilation	32
6.3 Indian Child Removal: A Part of Historical U.S. Policy	35
7. Federal Indian Boarding School System Framework	37
8. The Role of Religious Institutions and Organizations in the Federal Indian Boarding School System	46
9. Federal Indian Boarding School System Conditions	51
9.1 Use of Child Labor as Curricula, and in Response to Deficient Conditions	59
10. Federal Indian Boarding Schools and Alaska Native Villages	64
11. Federal Indian Boarding Schools and the Native Hawaiian Community	69
12. Federal Indian Boarding Schools and Freedmen.....	79
13. Other Types of Schools	81
14. Federal Indian Boarding School List	82
15. Marked and Unmarked Burial Sites Across the Federal Indian Boarding School System.....	85
16. Other Indian Institutions.....	87
17. Legacy Impact of the Indian Boarding School System.....	87
18. Federal Indian Boarding School Initiative Findings and Conclusions	91
19. Recommendations of the Assistant Secretary – Indian Affairs Bryan Newland	95



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

APR - 1 2022

The Honorable Deb Haaland
Secretary of the Interior
Washington, DC 20240

Dear Madam Secretary:

On June 22, 2021, you issued a memorandum directing Department of the Interior (Department) agencies to coordinate an investigation into the Federal Indian boarding school system to examine the scope of the system, with a focus on the location of schools, burial sites, and identification of children who attended the schools. You also directed that I submit a report of our investigation by April 1, 2022.

In accordance with your direction, I am submitting to you the first Federal Indian Boarding School Initiative Investigative Report.

This report shows for the first time that between 1819 and 1969, the United States operated or supported 408 boarding schools across 37 states (or then-territories), including 21 schools in Alaska and 7 schools in Hawaii. This report identifies each of those schools by name and location, some of which operated across multiple sites.

This report confirms that the United States directly targeted American Indian, Alaska Native, and Native Hawaiian children in the pursuit of a policy of cultural assimilation that coincided with Indian territorial dispossession. It identifies the Federal Indian boarding schools that were used as a means for these ends, along with at least 53 burial sites for children across this system—with more site discoveries and data expected as we continue our research.

The report highlights some of the conditions these children endured at these schools and raises important questions about the short-term and long-term consequences of the Federal Indian boarding school system on Indian Tribes, Alaska Natives, and the Native Hawaiian Community. I am recommending further investigation to examine those consequences.

This report places the Federal Indian boarding school system in its historical context, explaining that the United States established this system as part of a broader objective to dispossess Indian Tribes, Alaska Native Villages, and the Native Hawaiian

Community of their territories to support the expansion of the United States. The Federal Indian boarding school policy was intentionally targeted at American Indian, Alaska Native, and Native Hawaiian children to assimilate them and, consequently, take their territories. I believe that this historical context is important to understanding the intent and scale of the Federal Indian boarding school system, and why it persisted for 150 years.

The ongoing COVID-19 pandemic and its resulting closures of Federal facilities hampered our ability to obtain and review a number of documents needed to answer all of the questions you posed to us in your June 22, 2021, memorandum. Our work was also made more difficult by the fact that the Department was operating under a continuing resolution for much of the past year, which limited the funds available to examine some issues. For those reasons, I am recommending further research under the appropriation authority Congress has granted under the fiscal year (FY) 2022 Consolidated Appropriations Act (P.L. 117-103).

This report, as I see it, is only a first step to acknowledge the experiences of Federal Indian boarding school children. It notes a desire from people across Indian Country and the Native Hawaiian Community to share their individual and family experiences within the Federal Indian boarding school system and the resulting impacts today. This report also presents an opportunity for us to reorient our Federal policies to support the revitalization of Tribal languages and cultural practices. This reorientation of Federal policy is necessary to counteract nearly two centuries of Federal policies aimed at the destruction of Tribal languages and cultures. In turn, we can help begin a healing process for Indian Country and the Native Hawaiian Community, and the United States, from the Alaskan tundra to the Florida everglades, and everywhere in between.

Thank you, Madam Secretary, for your leadership to look at the legacy of Federal Indian boarding schools and to all who are working hard to complete this needed work.

Sincerely,



Bryan Newland
Assistant Secretary – Indian Affairs

In 1886, the Apache Wars ended when Chiricahua Apache leader Goyaałé (Geronimo) and his band surrendered to the United States.¹ Critical for westward expansion, the U.S. Senate passed the following resolution thereafter: “Resolved, That the Secretary of War be directed to communicate to the Senate all dispatches of General Miles referring to the surrender of Geronimo, and all instructions given to and correspondence with General Miles in reference to the same.”² Although neither Geronimo nor others in his band were charged with or tried for crimes under U.S. courts, President Cleveland ordered for Geronimo and his band to be removed from present-day Arizona and held captive indefinitely in Florida as U.S. prisoners of war.³ Under U.S. military control, surviving Apache children were forcibly removed from their families and shipped by train to the Carlisle Indian Industrial School in Pennsylvania.⁴ Some children were later returned to their families as confinement of the Chiricahua Apache band extended across U.S. military installations.⁵ Demonstrating that all Indians, including Indian children, hold a distinct political status in the United States,⁶ some Apache children never returned—comprising one-fourth of Carlisle gravesites.⁷

¹ Annual Report to the Secretary of the Interior XLI (1886), Commissioner of Indian Affairs, [hereinafter ARCIA for [year]].

² S. Exec. Doc. No. 49-117 at 1 (1887).

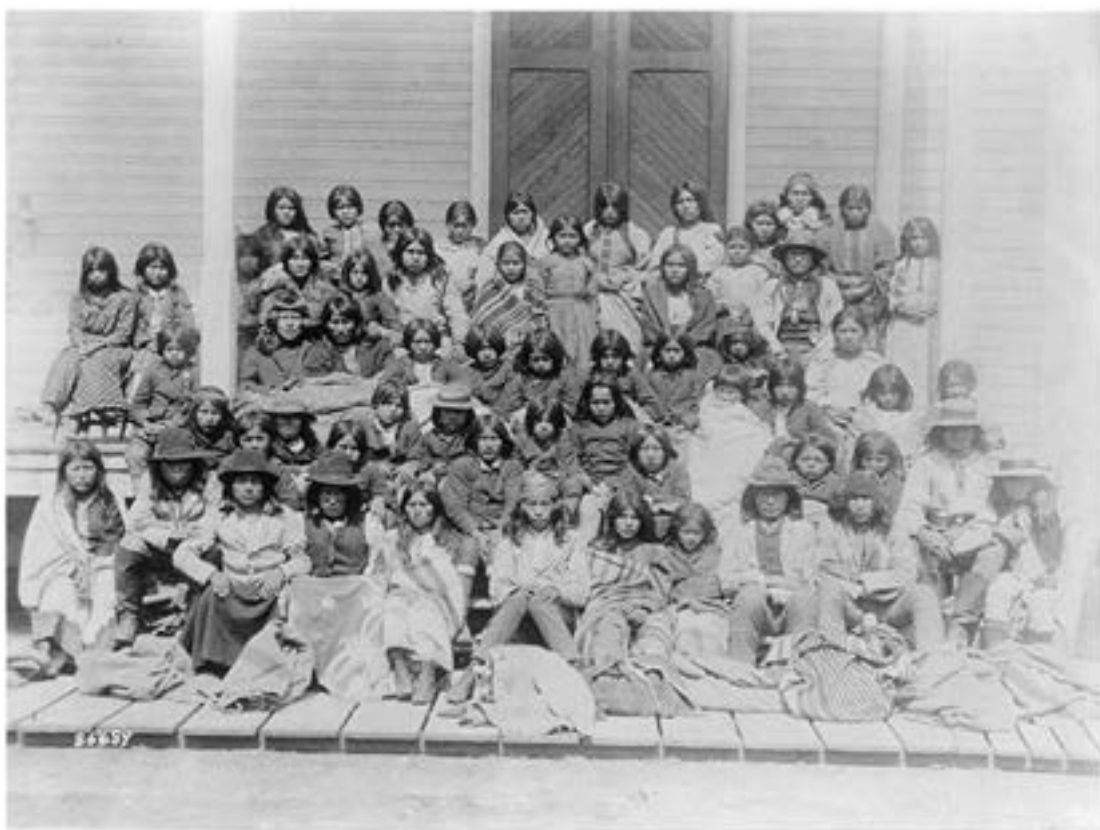
³ ARCIA for 1886, at XLI.

⁴ Letter from the Secretary of the Interior (Feb. 2, 1887), in S. Ex. Doc. No. 49-73, at 1 (1887); ARCIA for 1887, at XVII, 260 (detailing that the Apaches “‘now confined at Fort Marion, Saint Augustine, Fla.,’ are in the custody of the military branch of the Government”).

⁵ Act of Feb. 18, 1904, 33 Stat. 26; Act of June 28, 1902, 32 Stat. 467; Act of Mar. 16, 1896, 29 Stat. 64; Act of Feb. 12, 1895, 28 Stat. 658; Act of Aug. 6, 1894, 28 Stat. 238.

⁶ *Morton v. Mancari*, 417 U.S. 535, 553 n.24 (1974).

⁷ Jacqueline Fear-Segal & Susan B. Rose, *Carlisle Indian Industrial School*, 152–185 (2016).



8

⁸ *Ciricahua Apaches at the Carlisle Indian School, Penna., 188-?: as they looked upon arrival at the School.* [Photograph]. (1885 or 1886). Library of Congress Prints and Photographs Division Washington, D.C..



1. Federal Indian Boarding School Initiative

On June 22, 2021, the 54th Secretary of the Interior, Deb Haaland, announced the Federal Indian Boarding School Initiative, directing the Department of the Interior (Department) by Secretarial Memorandum, to undertake an investigation of the loss of human life and lasting consequences of the Federal Indian boarding school system.⁹ For nearly two centuries, the Federal Government was responsible for operating or overseeing Indian boarding schools across the United States and its territories. Today, the Department is therefore uniquely positioned to assist in the effort to recover the histories of these institutions.

As described further below, the United States has unique treaty and trust responsibilities to Indian Tribes, Alaska Native Villages, Alaska Native Corporations, and the Native Hawaiian Community, including to protect Indian treaty rights and land and other assets. To support these political and legal obligations, the Department protects and stores critical archival records and other information relating to Indian Affairs. Important goals of the Federal Indian Boarding School Initiative include:

- Identifying Federal Indian boarding school facilities and sites;
- Identifying names and Tribal identities of Indian children who were placed in Federal Indian boarding schools;
- Identifying locations of marked and unmarked burial sites of remains of Indian children located at or near school facilities; and
- Incorporating Tribal and individual viewpoints, including those of descendants, on the experiences in, and impacts of, the Federal Indian boarding school system.

⁹ See, e.g., ARCIA for 1931, at 4 (noting that in Indian education “one kind of a philosophy and one kind of a system have been established a long time”); ARCIA for 1916, at 9, 10 (noting “require[ment] [for] “a system of schools,” “a practical system of schools,” “uniform course of study for all Indian schools marks a forward step in the educational system,” “system of education”); ARCIA for 1899, at 437 (describing “The Development of the Indian School System”); ARCIA for 1886, at LX (documenting “control [of] the Indian school system,” “supervision of the Indian school system,” “history and development of the Indian school system,” and “divisions and operation of the system”); Commissioner of Indian Affairs, Annual Report to the Secretary of War 61 (1846) (documenting the “system of education”); Commissioner of Indian Affairs, Annual Report to the Secretary of War 516 (1839) (noting “manual-labor system”); Report on Indian Affairs to the Secretary of War 61 (1828) (providing a statement showing the “number of Indian schools, where established, by whom, the number of Teachers, &c., the number of Pupils, and the amount annually allowed and paid to each by the Government,” that is, documenting a system).

The Department conducted the initial investigative work in several phases. The first phase included the identification and collection of records and information related to the Department's oversight and implementation of the Federal Indian boarding school system. The Assistant Secretary – Indian Affairs Bryan Newland sought input from Tribal leaders on determining the nature and scope of any proposed sitework, addressing cultural concerns and the potential dissemination of sensitive information generated from the existing records or from future sitework activities, and for the future protection of burial sites and potential repatriation or disinterment of remains of children under Federal law, including the Native American Graves Protection and Repatriation Act (NAGPRA), and in coordination with other Federal agencies. Assistant Secretary Newland held formal consultations with Indian Tribes, Alaska Native Villages, Alaska Native Corporations, and the Native Hawaiian Community on November 17, 18, and 23, 2021. Under the supervision of Assistant Secretary Newland, the Department prepared this report on the initial investigation of the Federal Indian boarding school system.



10

¹⁰ *Santa Fe Indian School children on burros* [Photograph]. (ca. 1900). Shades of L.A. Collection, TESSA Digital Collections of the Los Angeles Public Library.



2. Executive Summary



Pursuant to the Secretarial Memorandum issued on June 22, 2021, Assistant Secretary Newland is leading the Department's first investigation of the Federal Indian boarding school system. Federal records affirm that the United States targeted Indian and Native Hawaiian children as part of U.S.-Indian relations and U.S.-Native Hawaiian relations to enter the Federal Indian boarding school system, coinciding with Indian and Native Hawaiian territorial dispossession.

In analyzing records under its control, the Department developed an official list of Federal Indian boarding schools for the first time. The National Native American Boarding School Healing Coalition (NABS), in partnership via a Memorandum of Understanding with the Department, was instrumental in the sharing of information and records pertinent to Federal development of the list.¹² The Department has also started to identify locations

¹¹ *Very early class of young boys with flags at the Albuquerque Indian School* [Photograph]. Department of the Interior, Bureau of Indian Affairs, Albuquerque Indian School, 1947-ca. 1964 (most recent creator). (ca. 1895). National Archives (292873).

¹² Memorandum of Understanding Between the U.S. Department of the Interior and National Native American Boarding School Healing Coalition, Dec 7, 2021.

of marked and unmarked burial sites of remains of American Indian, Alaska Native, and Native Hawaiian children at or near school facilities.

The Department found that between 1819 to 1969, the Federal Indian boarding school system consisted of 408 Federal schools across 37 states or then-territories, including 21 schools in Alaska and 7 schools in Hawaii. Some individual Federal Indian boarding schools accounted for multiple sites. The 408 Federal Indian boarding schools accordingly comprised 431 specific sites. The list of the names and locations of these schools are included in this report at **Appendix A**. Summaries for each school are provided in **Appendix B**. Maps of each current state showing the schools are provided in **Appendix C**.

While Federal Indian boarding schools were as varied as the Indian Tribes, Alaska Native Villages, and the Native Hawaiian Community they impacted and the geographic areas they were built in, the Department identified several common Federal Indian boarding school system features, described below, which remain under investigation.

For a school to qualify as a Federal Indian boarding school, for the purpose of this investigation, the institution must meet four criteria, as described in greater detail below, including whether the institution (1) provided on-site housing or overnight lodging; (2) was described in records as providing formal academic or vocational training and instruction; (3) was described in records as receiving Federal Government funds or other support; and (4) was operational before 1969.

Outside the scope of the Federal Indian Boarding School Initiative, the Department identified over 1,000 other Federal and non-Federal institutions, including Indian day schools, sanitariums, asylums, orphanages, and stand-alone dormitories that may have involved education of American Indian, Alaska Native, and Native Hawaiian people, mainly Indian children.

Initial results show that the earliest opening date of a Federal Indian boarding school in the system was 1801, and the latest opening date was 1969. However, the open date does not necessarily correspond to when the Federal Indian boarding school was first documented as receiving Federal support. The average number of Federal Indian boarding schools in current states with identified Federal Indian boarding schools was 11 schools. The greatest concentration of schools in the Federal Indian boarding school system was in present-day Oklahoma with 76 Federal Indian boarding schools (19 percent of total);

Arizona with 47 schools (12 percent of total); and New Mexico with 43 schools (11 percent of total).

Initial investigation results show that approximately 50 percent of Federal Indian boarding schools may have received support or involvement from a religious institution or organization, including funding, infrastructure, and personnel. As the U.S. Senate has recognized, funds from the 1819 Civilization Fund “were apportioned among those societies and individuals—usually missionary organizations—that had been prominent in the effort to ‘civilize’ the Indians.”¹³ The Federal Government at times paid religious institutions and organizations on a per capita basis for Indian children to enter the Federal Indian boarding schools that these institutions and organizations groups operated.

The investigation shows that the United States may have used monies held in Tribal trust accounts, including those based on cessions of Indian territories to the United States, to fund Indian children to attend Federal Indian boarding schools.

Based on initial data, the investigation shows that between 1820–1932 attendance, enrollment, and capacity of Federal institutions used for Indian education, including Federal Indian boarding schools, Federal Indian day schools, sanitariums, asylums, and orphanages was as follows:

- Attendance ranged from one child to over 1,000 children;
- Enrollment ranged from one child to over 1,200 children; and
- Capacity ranged from one child to over 1,700 children.

The Federal Indian boarding school system deployed systematic militarized and identity-alteration methodologies to attempt to assimilate American Indian, Alaska Native, and Native Hawaiian children through education, including but not limited to the following: (1) renaming Indian children from Indian to English names; (2) cutting hair of Indian children; (3) discouraging or preventing the use of American Indian, Alaska Native, and Native Hawaiian languages, religions, and cultural practices; and (4) organizing Indian and Native Hawaiian children into units to perform military drills.

¹³ Committee on Labor and Public Welfare, Indian Education: A National Tragedy – A National Challenge, S. Rep. No. 91-501 at 143 (1969) [hereinafter Kennedy Report].

The Federal Indian boarding school system predominately included manual labor of American Indian, Alaska Native, and Native Hawaiian children as part of school curricula, including but not limited to the following: livestock and poultry raising; dairying; western agriculture production; fertilizing; lumbering; brick-making; cooking; garment-making; irrigation system development; and working on the railroad system.

The Federal Indian boarding school system focused on manual labor and vocational skills that left American Indian, Alaska Native, and Native Hawaiian graduates with employment options often irrelevant to the industrial U.S. economy, further disrupting Tribal economies.

Federal Indian boarding school rules were often enforced through punishment, including corporal punishment such as solitary confinement; flogging; withholding food; whipping; slapping; and cuffing. The Federal Indian boarding school system at times made older Indian children punish younger Indian children.

Of the 408 Federal Indian boarding schools, approximately 90 schools (22 percent) might still operate as educational facilities. However, not all 90 institutions still board children or are federally supported.

The Department's investigation has already identified marked or unmarked burial sites at approximately 53 different schools across the Federal Indian boarding school system. As the investigation continues, the Department expects the number of identified burial sites to increase. The composition of the approximate numbers of identified burial sites to date is as follows:

- Marked burial sites – 33
- Unmarked burial sites – 6
- Both marked and unmarked burial sites present at a school location – 14

The Department will not make public the specific locations of burial sites associated with the Federal Indian boarding school system in order to protect against well-documented grave-robbing, vandalism, and other disturbances to Indian burial sites.¹⁴

¹⁴ See, e.g., 43 C.F.R. § 10.3 (2022).

Based on the Federal Indian Boarding School Initiative investigation's initial analysis, approximately 19 Federal Indian boarding schools accounted for over 500 American Indian, Alaska Native, and Native Hawaiian child deaths. As the investigation continues, the Department expects the number of recorded deaths to increase.

This report also includes **Appendix D** with a summary of the views that Tribal leaders and representatives expressed during a formal Nation-to-Nation consultation process. During those consultations, Tribal leaders and representatives discussed the importance of protecting burial sites and strengthening protections under NAGPRA. Other consultation participants expressed the importance of accounting for the experiences of individuals and their families within the Federal Indian boarding school system, and advocated for the Federal Government to provide an opportunity for them to share those experiences on the record.

This report does not include an exhaustive list of all burial sites across the Federal Indian boarding school system, nor does this report identify the children who were placed in or attended Federal Indian boarding schools. The ongoing COVID-19 pandemic limited the Department's ability to access facilities containing important records relevant to this investigation. In addition, the Department was operating under a series of continuing resolutions from October 1, 2021, until the FY 2022 Consolidated Appropriations Act (P.L. 117-103) was enacted on March 15, 2022. The absence of specific appropriations limited the scope of the Department's ability to carry out some of the research needed for this investigation. Lastly, this report does not analyze the connection between the Federal Indian boarding school system and present-day experiences of people in Indian Tribes, Alaska Native Villages, and the Native Hawaiian Community across the United States.

Assistant Secretary Newland makes eight recommendations to the Secretary of the Interior to fulfill the Federal Indian Boarding School Initiative, including producing a list of marked and unmarked burial sites at Federal Indian boarding schools and an approximation of the total amount of Federal funding used to support the Federal Indian boarding school system, including any monies that may have come from Tribal and individual Indian trust accounts held in trust by the United States. Assistant Secretary Newland ultimately concludes that further investigation is required to determine the legacy impacts of the Federal Indian boarding school system on American Indians, Alaska Natives, and Native Hawaiians today.



15



3. Overarching Instructions

To carry out the Federal Indian Boarding School Initiative and consistent with the Secretarial Memorandum, the Assistant Secretary – Indian Affairs instructed those working on the report to:

Collect Relevant Data and Consult

The proposed scope of work and nature of the investigation include the collection of relevant information and consultations with Indian Tribes, Alaska Native Villages, Alaska Native Corporations, and the Native Hawaiian Community.

Assistant Secretary Newland led departmental action to survey historical records in Federal repositories, including the Department of the Interior Library and the American Indian Records Repository (AIRR) at the Bureau of Trust Funds Administration (BTFA), an agency within the Department, as described further below.

The objective of this investigation is to identify the Indian boarding schools that were a part of the Federal Indian boarding school system. While the investigation concentrates on records that give insight into residential facilities and plans—including enrollment records and vital statistics, correspondence, maps, photographs, and administrative reports—it gives particular emphasis to records relating to cemeteries or potential burial sites associated with a particular residential facility, which may later be

¹⁵ *Mt Pleasant Indian Industrial Boarding School opening day* [Photograph]. (June 30, 1893). Courtesy of the Alice Littlefield Collection, Saginaw Chippewa Indian Tribe of Michigan, Ziibiwing Center of Anishinabe Culture & Lifeways.

used to assist in locating unidentified remains of American Indian, Alaska Native, and Native Hawaiian children. The comprehensive record assessment is intended to assist in later identifying the number of children that attended each Federal Indian boarding school and, where possible, their names and Tribal identities, and provide a basis for planning future sitework.

The Department's collection of views of Indian Tribes, Alaska Native Villages, Alaska Native Corporations, and the Native Hawaiian Community in consultations conducted as part of the investigation are included in **Appendix D**.

Following the initial stages of the investigation, the Department will reassess the needs and priorities of the investigation for completion, accounting for, in part (1) the availability of historical records in Federal repositories, authorities, and resources of various agencies in the Department to perform required work, and (2) recommendations of Indian Tribes, Alaska Native Villages, Alaska Native Corporations, and the Native Hawaiian Community, and Federal and non-Federal partners.

Involve Indian Tribes and other Department Bureaus and Offices

Tribal participation during the first stages of the Federal Indian Boarding School Initiative included obtaining oral and written comments from Indian Tribes, Alaska Native Villages, Alaska Native Corporations, and the Native Hawaiian Community during formal consultation sessions. The views collected in consultations conducted as part of the investigation are included in **Appendix D**.

Within the Department, the following Bureaus and Offices provide support for the Federal Indian Boarding School Initiative: Bureau of Indian Affairs (BIA); Bureau of Indian Education (BIE); Bureau of Land Management (BLM); BTFA; Department of the Interior Library; National Park Service (NPS); Office of the Assistant Secretary – Land and Minerals Management; Office of Native Hawaiian Relations; Secretary's Immediate Office; Office of the Assistant Secretary – Policy, Management and Budget; Office of the Solicitor; and the U.S. Geological Survey.

Address Tribal Concerns

Throughout the Federal Indian Boarding School Initiative, the Department engaged and consulted with Indian Tribes, Alaska Native Villages, Alaska Native Corporations, and the Native Hawaiian Community to incorporate their concerns in the investigation,

including, but not limited to, (1) the potential dissemination of sensitive information, (2) future protection of burial sites, and (3) the potential repatriation or disinterment of remains of children under applicable Federal law, including NAGPRA, and in coordination with other Federal agencies as relevant.

Handle Sensitive Information with Great Care

Moving into the next stages of the Federal Indian Boarding School Initiative, including future sitework, the Department will protect sensitive information obtained from the investigation including, but not limited to, identities of Federal Indian boarding school attendees, including names and Tribal identities, and locations of marked and unmarked burial sites, to the extent allowable by applicable law.

If the Department is able to disseminate sensitive information to Indian Tribes, Alaska Native Villages, and the Native Hawaiian Community, or to Federal agencies responsible for repatriation or disinterment of remains of Indian children, then it shall address cultural concerns of Indian Tribes, Alaska Native Villages, and the Native Hawaiian Community and ensure marked and unmarked burial sites are secure.

Engage Relevant Federal Agencies

As the Department is not the only Federal agency positioned to examine the Federal Indian boarding school system and its effects on American Indians, Alaska Natives, and Native Hawaiians, the Department is engaging and supporting sister Federal agencies with control of any records that may relate to the Federal Indian boarding school system, including records from the Department of Defense—as the successor agency to the War Department—and the Department of Health and Human Services.



16



4. Data Collection Process and Review of Relevant Information

The Office of the Assistant Secretary – Indian Affairs oversees BIA, BIE, and BTFA. The BTFA provides fiduciary trust services for Tribal and individual Indian beneficiaries that earn royalty income and other monies from activities on federally managed lands. The BTFA is also responsible for maintaining Federal Indian records, including those at the AIRR. For the Federal Indian Boarding School Initiative investigation, BTFA established a Project Research Team to review relevant records. The Project Research Team included BTFA staff and volunteers from other Department bureaus, including BIA, NPS, and BLM. The Project Research Team process included identifying, screening, and preparing records from AIRR in Lenexa, Kansas; conducting initial and quality assurance reviews of the criteria research used to identify Federal Indian boarding schools; generating Federal Indian boarding school summaries from collected

¹⁶ Lubken, Walter J. (n.d.). [Photograph of young female students outdoors on swing set at the Phoenix Indian Industrial School]. U.S. Bureau of Reclamation, Phoenix Area Office.

criteria data; and working with NABS under a Memorandum of Understanding to assist with criteria research used in the identification of Federal Indian boarding schools.¹⁷

The Department recognizes that the Federal Government and non-Federal entities operated or supported Indian boarding schools. As the Federal Indian Boarding School Initiative is focused on Indian boarding schools that received Federal oversight or support, the investigation examined records to develop the first official list of Federal Indian boarding schools. The official list may change as the investigation continues to find additional records that detail the Federal Indian boarding school system.

Research Methodology and Scope of Review

For the Federal Indian Boarding School Initiative, the Department, through BTFA, is identifying and examining Federal records in the Department of the Interior Library and AIRR. The AIRR includes retired Indian Affairs records from BIA agencies and BTFA offices across the Nation. Records from as far back as the 1700s include trust, education, and other historic Indian Affairs records.

The American Indian Records Repository (AIRR)

The AIRR is located in Lenexa, Kansas, which has 1.3 million cubic feet of underground storage space available for Federal records. The AIRR is located 80 to 90 feet underground and stores records in National Archives and Records Administration (NARA) archival-quality storage bays that total approximately 350,000 cubic feet. The AIRR contains a total of over 200,000 indexed boxes of Indian Affairs records. Each standard records center box holds one cubic foot of material; one cubic foot holds approximately 2,500 sheets of paper.

For the Federal Indian Boarding School Initiative, records review involves electronic screening of possible source boxes for any information about Federal Indian boarding schools within the AIRR. The research team applied pre-existing search processes and tools to initiate records research at AIRR. Specifically, the Box Index Search System (BISS) was utilized for overall queries and refinement to identify records associated with Federal Indian boarding schools.

¹⁷ Memorandum of Understanding Between the U.S. Department of the Interior and National Native American Boarding School Healing Coalition, Dec 7, 2021.

Investigation Research Process

The general research process was as follows: A BISS query was completed to determine an initial potentially responsive box list that included 39,385 boxes (approximately 98,462,500 sheets of paper).

Continuing investigation actions will include on-site digitization of boxes or targeted files in the potentially responsive boxes. Records will be stored in the Department's Enterprise Records and Document Management System. When digitization is complete, remote review of the identified potentially responsive boxes will occur. As the first review from October 2021 involved keyword searches for known Indian boarding schools, a new search will be conducted following complete AIRR digitization of responsive boxes or files to identify any new Federal Indian boarding schools. Examination of additional responsive boxes and files will continue and follow the same process.

As AIRR digitization advances, BTFA research staff and Department volunteer staff will continue to review records and classify the information about Federal Indian boarding schools, with a focus on documents with responsive information about specific schools, attendees, attendee deaths, graves, and cemeteries. The BTFA is using an eDiscovery program to search and tag all digitized documents. The research process will continue until all boxes identified as having information potentially relevant to Federal Indian boarding schools are fully reviewed.

The Department is evaluating specific records for the Federal Indian Boarding School Initiative including but not limited to the following:

- Department of War Annual Reports of the Commissioner of Indian Affairs;
- Department of the Interior Annual Reports;
- Department of the Interior Routes to Indian Agencies and Schools with their Post Office and Telegraphic Addresses and Nearest Railroad Stations Reports;
- Department of the Interior Appropriations documents;
- Department of the Interior, National Park Service's National Register of Historic Places (school identification, location, and historical justification information);
- Department of the Interior Library records for initial specific school criteria;

- Works Progress Administration (a New Deal Agency) Reports; and
- Report With Respect to the House Resolution Authorizing the Committee on Interior and Insular Affairs to Conduct an Investigation of the Bureau of Indian Affairs Pursuant to H. Res. 689 (82nd Cong.) December 15, 1952 (1953).

Pursuant to its Memorandum of Understanding with NABS, the Department compared its Federal Indian boarding school list and materials with a list independently established by NABS to seek official identification of schools in the Federal Indian boarding school system. The BTFA research team and the NABS research team met weekly in working sessions to review and compare findings.

Ongoing investigation actions will include:

- Collaborating with NARA to identify other available records—including their locations, and potential resources required for future Initiative stages;
- Identifying records covering specific Federal Indian boarding schools and overall Indian boarding school system operation, and law and policy framework; and
- Reviewing Department resources, authorities, and specific potential uses for specialized documents or information, including photographs, student roster lists, and total funding expended on Federal Indian boarding schools, as well as creating maps and databases.



18



5. Developing the Federal Indian Boarding School List

For the first time, the Department developed a historical official list of Federal Indian boarding schools. The Federal Indian Boarding School Initiative identified Indian boarding schools that received Federal oversight or support. The number and location(s) of Federal Indian boarding schools listed may increase as the investigation continues.

For an institution to classify as a Federal Indian boarding school for the Federal Indian Boarding School Initiative investigation, it must meet each of the following four criteria:

1. **Housing** – The institution has been described as providing on-site housing or overnight lodging. This includes dormitory, orphanage, asylum, residential, boarding, home, jail, and quarters.
2. **Education** – The institution has been described as providing formal academic or vocational training and instruction. This includes mission school, religious training,

¹⁸ Lubken, Walter J. (n.d.). [Photograph of two young male students engaged in woodworking at the Phoenix Indian Industrial School]. U.S. Bureau of Reclamation, Phoenix Area Office.

industrial training school, manual labor school, academy, seminary, institute, boarding school, and day school.

3. **Federal Support** – The institution has been described as receiving Federal Government funds or other Federal support. This includes agency, independent, contract, mission, contract with white schools, government, semi-government, under superintendency, and land or buildings or funds or supplies or services provided.
4. **Timeframe** – The institution was operational before 1969 (prior to modern departmental Indian education programming including BIE).

If an institution satisfies all four criteria, it is categorized as a Federal Indian boarding school. As a result, an institution primarily operated or supported by a non-Federal entity could qualify as a Federal Indian boarding school if it met all four required criteria.

Most institutions that did not qualify as a Federal Indian boarding school failed to meet the “Housing” and “Federal Support” criteria. However, it is possible that an institution that does not currently meet the four criteria may do so in the future as additional records are identified, examined, and analyzed, or as the Department receives other information from Federal, non-Federal, or Tribal records.

The Department performed final quality control on the list of Federal Indian boarding schools to ensure each institution met the four criteria and to secure the accuracy of its first-ever list of Federal Indian boarding schools.

Housing Criterion

The Department defined the “housing” criterion as meaning the on-site boarding of any American Indian, Alaska Native, or Native Hawaiian children for education purposes. That is, the classification of a site as a Federal Indian boarding school did not depend on whether the school housed or lodged one child or hundreds.

Federal Support Criterion

The Department defined the “Federal support” criterion broadly, beyond direct Federal funding and building infrastructure. The types of support that may qualify as Federal support include the following:

- **Contractual**

Securing funds for education and agricultural personnel for Indian boarding schools from the 1819 Civilization Fund.

- **Land**

Acquisition of lands by congressional appropriation or private donation for the purposes of building and operating Federal Indian boarding schools.

- **Building and Infrastructure**

Federally funded construction or deconstruction of Indian boarding school sites including new building, dismantling of usable materials, and the moving of used buildings or recycled building materials for Indian boarding school purposes.

Federal transfer of new or surplus buildings for Federal Indian boarding school operations, including military installations and facilities.

Federal renovation of Federal Indian boarding schools through the Works Progress Administration program.

- **Equipment and Supplies**

Purchase of food, clothing, and education supplies—including farming equipment, livestock, and animals—with Federal appropriations.

- **Services**

Provision of services including medical care or education. For example, the Department determined that the Federal provision of military personnel to teach Native Hawaiian children at select schools in Hawaii following acquisition of the islands as a territory but prior to statehood qualified as Federal support. Also, the Department considered Federal provision of medical personnel to Indian boarding schools operated by non-Federal entities to be Federal support.



6. U.S. Law and Policy Framework: Indian Territorial Dispossession and Indian Assimilation



19

“Like the miner’s canary, the Indian marks the shifts from fresh air to poison gas in our political atmosphere; and our treatment of Indians ... reflects the rise and fall in our democratic faith.”²⁰

– Felix S. Cohen, 1953.

To examine the Federal Indian boarding school system, the Department spotlights the following aspects of Federal Indian law and policy.

The Continental Congress, Congress of the Confederation, and United States recognized Indian Affairs as a main function of a national government.²¹ In engaging Indian Tribes, “separate sovereigns pre-existing the Constitution,”²² and later Alaska

¹⁹ Choate, J. N., *Carlisle Indian School student body around 1885, with the Superintendent’s House in background*. [Photograph]. (1880-1889). Dickinson College Archives & Special Collections.

²⁰ Felix S. Cohen, *The Erosion of Indian Rights*, 62 *Yale L.J.* 348, 390 (1953).

²¹ See *Journals of the Continental Congress*, Vol. 2, 93, 174–76 (1775); National Records and Archives Service, *General Services Administration, Ratified Indian Treaties 1722–1869*, 1 (1973); U.S. Const. art. I, § 8.

²² *Santa Clara Pueblo v. Martinez*, 436 U.S. 49, 56 (1977).

Native Villages and the Kingdom of Hawaii, the United States pursued a twin policy: Indian territorial dispossession and Indian assimilation, including through education.

The U.S. Senate later explained that twin policy as follows:

Beginning with President Washington, the stated policy of the Federal Government was to replace the Indian's culture with our own. This was considered "advisable" as the cheapest and safest way of subduing the Indians, of providing a safe habitat for the country's white inhabitants, of helping the whites acquire desirable land, and of changing the Indian's economy so that he would be content with less land. Education was a weapon by which these goals were to be accomplished.²³

In 1803, President Thomas Jefferson delivered a Confidential Message to Congress on Indian Policy explaining a strategy to dispossess Indian Tribes of their territories in part by assimilation. According to President Jefferson, a policy of assimilation would make it easier and less costly in lives and funding for the United States to separate Indian Tribes from their territories.²⁴ President Jefferson described two means "to provide an extension of territory which the rapid increase of our numbers will call for."²⁵ The first was to advance an assimilation policy directed at Indian children to discourage nomadic practices and adopt sedentary practices dominated by western agriculture development:

To encourage them to abandon hunting, to apply to the raising stock, to agriculture, and domestic manufacture, and thereby prove to themselves that less land and labor will maintain them in this better than in their former mode of living. The extensive forests necessary in the hunting life will then become useless, and they will see advantage in exchanging them for the means of improving their farms and of increasing their domestic comforts.²⁶

²³ Kennedy Report, at 143.

²⁴ President Thomas Jefferson, Confidential Message to Congress Concerning Relations with the Indians (Jan. 18, 1803), National Archives and Records Administration, Record Group 233, Records of the U.S. House of Representatives, Presidential Messages, 1791-1861, President's Messages from the 7th Congress [hereinafter Confidential Message].

²⁵ Confidential Message.

²⁶ Confidential Message.

The second, to be executed alongside the assimilation policy, was to encourage Indian Tribes to purchase goods on credit so as to likely fall into debt, which would cause Indian Tribes to cede their lands to the United States—with the proceeds of such cessions, as described further below, predominately funding the Federal Indian boarding school system.²⁷ As President Jefferson said in an “unofficial, & private” capacity in order to “with safety give ... a more extensive view of our policy respecting the Indians”:

[W]e wish to draw them to agriculture, to spinning & weaving. ... when they withdraw themselves to the culture of a small piece of land, they will perceive [sic] how useless to them are their extensive forests, *and will be willing to pare them off from time to time in exchange for necessities for their farms & families. to promote this disposition to exchange lands which they have to spare & we want, for necessities, which we have to spare & they want, we shall push our trading houses, and be glad to see the good & influential individuals among them run in debt*, because we observe that when these debts get beyond what the individuals can pay, they become willing to lop th[em off] by a cession of lands.²⁸

As the United States developed, this two-fold approach informed Federal Indian law and policy.

The U.S. Constitution, ratified and adopted in 1788, expressly names “Indian Tribes” and “Indians.”²⁹ The United States has since recognized the sovereign political status of Indian Tribes and Alaska Native Villages and the accompanying Nation-to-Nation relationship with them for centuries.³⁰

²⁷ Confidential Message.

²⁸ Thomas Jefferson to William Henry Harrison (Feb. 27, 1803), in *The Papers of Thomas Jefferson*, Vol. 39, 13 November 1802–3 March 1803 (Barbara B. Oberg ed.) at 589–593 (2012) (emphasis added).

²⁹ U.S. Const. art. I, §§ 2, 8; see *Michigan v. Bay Mills Indian Community*, 572 U.S. 782 (2014); *Worcester v. Georgia*, 31 U.S. 515 (1832); *Cherokee Nation v. Georgia*, 30 U.S. 1 (1831); *Johnson v. M’Intosh*, 21 U.S. 543 (1823).

³⁰ See, e.g., *Worcester v. Georgia*, 31 U.S. 515, 557 (1832) (“The treaties and laws of the United States contemplate . . . that all intercourse with [Indians] shall be carried on exclusively by the government of the union”).

It is well settled that the authority of the United States in regards to Indian Affairs is grounded in the U.S. Constitution. Specifically:

- Article I, Section 8, Clause II, reserving for the Federal Government the power to make war.
- Article II, Section 2, Clause II, reserving for the Federal Government the power to make treaties.
- Article I, Section 8, Clause III, reserving for the Federal Government the power to regulate commerce with the Indian Tribes.

The U.S. Supreme Court has recognized that because Indian Affairs were also traditionally considered aspects of American military and foreign policy, Congress' legislative authority rests in part, not only upon “‘affirmative grants of the Constitution,’ but upon the Constitution’s adoption of preconstitutional powers necessarily inherent in any Federal Government, namely, powers that this Court has described as ‘necessary concomitants of nationality.’”³¹

As the Court has said, “[t]hese powers comprehend all that is required for the regulation of our intercourse with the Indians.”³² The Court has consistently described Congress’ powers to legislate in respect to Indian Tribes as “plenary and exclusive.”³³ While extending to all legislative measures relating to Indian Tribes and Alaska Native Villages, such powers are not absolute.³⁴

Two centuries of Supreme Court case law establish there is an “undisputed existence of a general trust relationship between the United States and the Indian people.”³⁵ The Federal Government, following “a humane and self-imposed policy ..., has charged itself with moral obligations of the highest responsibility and trust”³⁶ obligations “to the fulfillment of which the national honor has been committed.”³⁷ The Court has recognized that “[t]hroughout the history of the Indian trust relationship, ... the organization and

³¹ *United States v. Lara*, 541 U.S. 193, 200 (2004).

³² *Worcester v. Georgia*, 31 U.S. 515, 559 (1832).

³³ *United States v. Lara*, 541 U.S. 193, 200 (2004).

³⁴ *United States v. Creek Nation*, 295 U.S. 103, 109–110 (1935).

³⁵ *United States v. Mitchell*, 463 U.S. 206, 225 (1983).

³⁶ *Seminole Nation v. United States*, 316 U.S. 286, 296–297 (1942).

³⁷ *Heckman v. United States*, 224 U.S. 413, 437 (1912).

management of the trust is a sovereign function subject to the plenary authority of Congress.”³⁸ “Because the Indian trust relationship represents an exercise of that authority,” the Supreme Court has “explained that the Government ‘has a real and direct interest’ in the guardianship it exercises over the Indian [T]ribes; ‘the interest is one which is vested in it as a sovereign.’”³⁹

On Indian reservations, outside of Alaska, “the government would provide ‘only sufficient land for their actual occupancy ... divid[ed] among them in severalty ... and *in lieu of money annuities* ... stock animals, agricultural implements, mechanic shops, tools and materials, and manual labor schools for the industrial and mental education of their youth.’”⁴⁰ The reservations were, “in effect, envisioned as schools for civilization, in which Indians under the control of the agent would be groomed for assimilation.”⁴¹

This report considers the intergenerational impact of the Federal Indian boarding school system in light of the laws and policies that gave that system form, which derived from Constitutional and pre-Constitutional powers establishing the United States’ unique political relationships with Indian Tribes, Alaska Native Villages, and the Native Hawaiian Community as distinct and sovereign political entities.

³⁸ United States v. Jicarilla Apache Nation, 564 U.S. 162, 175 (2011).

³⁹ Id. (quoting United States v. Minnesota, 270 U.S. 181, 194 (1926)).

⁴⁰ ARCIA for 1858, at 7 (emphasis added).

⁴¹ Cohen’s Handbook of Federal Indian Law § 1.03 (Nell Jessup Newton ed., 2019) (citing United States v. Clapox, 35 F. 575, 577 (D. Or. 1888)).



42



6.1 U.S. War-Making Power: The War Department's Historic Role in Indian Affairs

“And, indeed, if it be the design of Providence to extirpate these savages in order to make room for the cultivators of the earth, it seems not improbable that rum may be the appointed means.” – Benjamin Franklin.⁴³

Congress acknowledged that from “the beginning, Federal policy toward the Indian was based on the desire to dispossess him of his land. Education policy was a function of our land policy.”⁴⁴

⁴² Department of the Interior, Bureau of Indian Affairs, Albuquerque Indian School, 1947-ca. 1964 (most recent creator). (1900). *Early class of younger girls in school uniform at the Albuquerque Indian School* [Photograph]. National Archives (292874).

⁴³ Benjamin Franklin, *Autobiography of Benjamin Franklin* 225 (Frank Woodward Pine, ed.) (1916).

⁴⁴ Kennedy Report, at 142; see also Northwest Ordinance of 1787, art. III (Jul. 13, 1787) (“Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools, and the means of education, shall be forever encouraged.”), re-enacted as Act of Aug. 7, 1789, Ch. 8, 1 Stat. 50 (1789).

Although formal Nation-to-Nation relations between the United States and Indian Tribes predate the Constitution, the provision of education to Indians by the Federal Government begins with the creation of the War Department. The first law of Congress relating to Indians was that of creating the War Department in 1789, which entrusted the Secretary of War with responsibility for such duties relative to Indian Affairs as the President should entrust to him.⁴⁵ Congress enacted the first explicit appropriation for Indian Affairs in the Act of December 23, 1791, which appropriated funds for the Department of War “for defraying all expenses incident to the Indian department, and for defraying the expenses incurred in the defensive protection of the frontiers against the Indians”⁴⁶

The policy of the Federal Government soon after expressed support for Federal and non-Federal education of Indians. In President Jefferson’s first address to Congress in 1801, he described how Indian assimilation policy was central to Federal policy:

Among our Indian neighbors also, a spirit of peace and friendship generally prevails and I am happy to inform you that the continued efforts to introduce among them the implements and the practice of husbandry, and of the household arts, have not been without success; that they are becoming more and more sensible of the superiority of this dependence for clothing and subsistence over the precarious resources of hunting and fishing... .⁴⁷

Starting in 1802, Congress authorized appropriations of up to \$15,000 annually “to promote civilization among the friendly Indian tribes, and to secure the continuance of their friendship” by promising funding, goods, livestock and animals, and staffing resources, thus advancing the public responsibility to Indian education.⁴⁸

In 1817, the United States began more clearly developing its policy of assimilation through education. President James Monroe advanced that “[w]ith the Indian tribes it is our duty to cultivate friendly relations and to act with kindness and liberality in all our

⁴⁵ Act of Aug. 7, 1789, Ch. 7, 1 Stat. 49 (establishing the Department of War).

⁴⁶ Act of Dec. 23, 1791, Ch. 3, Sec. 4, 1 Stat. 226, 228. The amounts so appropriated totaled \$76,764.19. *Id.*

⁴⁷ President Thomas Jefferson, First Annual Message to Congress (Dec. 8, 1801), in *A Compilation of the Messages and Papers of the Presidents Prepared under the Direction of the Joint Committee on Printing, of the House and Senate, Pursuant to an Act of the Fifty-Second Congress of the United States*, 314 (1897).

⁴⁸ Act of Mar. 30, 1802, Ch. 3, Sec. 13, 2 Stat. 139, 143; Kennedy Report, at 143.

transactions. Equally proper is it to persevere in our efforts to extend to them the advantages of civilization.”⁴⁹

Congress then laid the groundwork for a general system of Indian education by enacting the Civilization Fund Act in 1819.⁵⁰ The purpose of the Act was “providing against the further decline and final extinction of the Indian tribes, adjoining the frontier settlements of the United States, and for introducing among them the habits and arts of civilization.”⁵¹

To accomplish the Act’s mission, Congress authorized the President:

[I]n every case where he shall judge improvement in the habits and condition of such Indians practicable, and that the means of instruction can be introduced with their own consent, to employ capable persons of good moral character to instruct [such Indians] in the mode of agriculture suited to their situation; and for teaching their children in reading, writing, and arithmetic, and performing such other duties as may be enjoined according to such instructions and rules as the President may give and prescribe for the regulation of their conduct, in the discharge of their duties. A report of the proceedings adopted in the execution of this provision shall be annually laid before Congress.⁵²

To carry the Act’s provisions into effect, Congress appropriated an annual sum of \$10,000 and further required an annual report of the proceedings adopted to execute the Act.⁵³ The funds annually appropriated under the Act were often apportioned to various religious institutions and organizations until Congress repealed the annual appropriation in 1873.⁵⁴

⁴⁹ Inaugural Address of James Monroe, President of the United States, March 4, 1817, in *American State Papers: Foreign Affairs* Vol. 4 at 128.

⁵⁰ Act of March 3, 1819, Ch. 85, 3 Stat. 516, codified at 25 U.S.C. § 271 (2020).

⁵¹ 25 U.S.C. § 271 (2020).

⁵² *Id.*

⁵³ *Id.*

⁵⁴ Act of Feb. 14, 1873, c. 138, 17 Stat. 437, 461.

In 1824, Secretary of War John C. Calhoun established the position of Superintendent of Indian Affairs within the War Department to formalize the administration of Indian Affairs, which had supervisory responsibilities for the Federal Indian boarding school system.⁵⁵ The duties of the Superintendent included administering the Civilization Fund.⁵⁶ The Superintendent reported annually to the Secretary of War from 1825 to 1832.⁵⁷ In 1832, Congress established the office of Commissioner of Indian Affairs under the direction of the Secretary of War and subject to Presidential regulation, with responsibility for the direction and management of all Indian Affairs and all matters arising out of Indian relations.⁵⁸ The Commissioner, a precursor role to the Assistant Secretary – Indian Affairs,⁵⁹ was appointed by the President with the advice and consent of the Senate.⁶⁰ From 1832 to 1849, the Commissioners of Indian Affairs provided annual reports to the Secretary of War.

In 1849, Congress enacted legislation that established the Department and transferred Indian Affairs from military to civil control.⁶¹ The act directed the Secretary of the Interior to “exercise the supervisory and appellate powers now exercised by the Secretary of War Department, in relation to all the acts of the Commissioner of Indian Affairs.”⁶² Congress routinely debated about the practicality of transferring Indian Affairs back to the War Department. “The question whether the Indian bureau should be placed under the War Department or retained in the Department of the Interior is one of considerable importance and both sides have very warm advocates.”⁶³ The heads of the Commissioners of Indian Affairs reported annually to the Secretary of the Interior from 1849 to 1932.

⁵⁵ See Letter from Secretary of War John C. Calhoun to Thomas L. McKenney (Mar. 11, 1824), in H. Doc. No. 19–146 at 6 (1826); see also Letter from Thomas L. McKenney to James Madison (Mar. 20, 1824) (“I am again entrusted with a Government trust. I have had assigned to me, in subordination to the Secy. of War, the Indian bureau, (a new arrangement) which takes in all that relates to our intercourse with these people.”), in *The Papers of James Madison, Retirement Series, VOL. 3* (David B. Mattern, et al, ed.).

⁵⁶ Act of March 3, 1819, Ch. 85, 3 Stat. 516.

⁵⁷ Felix Cohen, *Handbook of Federal Indian Law* 11 (1941).

⁵⁸ Act of July 9, 1832, Ch. 174, § 1, 4 Stat. 564.

⁵⁹ The position of the Assistant Secretary – Indian Affairs was established by Secretarial Order No. 3010 (Sept. 26, 1977). 96 Interior Dec. 1, 7 (1988). See also *Nomination of the Assistant Secretary of the Interior for Indian Affairs*, Hearings before the United States Senate Select Committee on Indian Affairs, 95th Cong., 1st Sess. (1977).

⁶⁰ Act of July 9, 1832, Ch. 174, § 1, 4 Stat. 564.

⁶¹ Act of March 3, 1849, Ch. 108, 9 Stat. 395.

⁶² Act of March 3, 1849, Ch. 108, § 5, 9 Stat. 395.

⁶³ S. Rep. No. 39-156, at 3–8 (1867).

After responsibility for the administration of Indian Affairs was transferred to the Department, Indian police⁶⁴ supported the removal of Indian children and their placement in the Federal Indian boarding school system. In 1886, for example, U.S. Indian Agent Fletcher J. Cowart described the effort by Indian police to forcibly remove Mescalero and Jicarilla Apache children from their homes and furnish them to the Federal Indian boarding school system:

I found the attendance at the boarding school about half of what it should be, and at once set about increasing it to the full capacity of the accommodation. This I found extremely difficult. When called upon for children, the chiefs, almost without exception, declared there were none suitable for school in their camps. Everything in the way of persuasion and argument having failed, it became necessary to visit the camps unexpectedly with a detachment of Indian police, and seize such children as were proper and take them away to school, willing or unwilling. Some hurried their children off to the mountains or hid them away in camp, and the Indian police had to chase and capture them like so many wild rabbits.⁶⁵

“The hope for the effective work lies with the children ... School facilities should be enlarged, the children divorced from [nomadic] camp life, and with a plain English education instructed well in farm or mechanical labor.”⁶⁶

Despite the official transfer from military to civil control, Congress continued to empower the President and War Department to continue support for the Federal Indian boarding school system with select jurisdiction, infrastructure, and personnel, including through statutory provisions such as the following:

- The President may detail officers of the United States Army to act as Indian agents at such agencies as in the

⁶⁴ See *United States v. Mullin*, 71 F. 682, 687 (D.C. Neb. 1895) (“The Indian police is a force organized under rules and regulations adopted by the interior department, the agent being commander thereof, and is the ordinary means relied upon by the agent and the department for enforcing the orders of the department, for keeping peace upon the reservation, and otherwise enforcing obedience to the laws of the United States and the regulations of the department of the interior in force upon the reservation.”).

⁶⁵ ARCIA for 1886, at 199.

⁶⁶ ARCIA for 1886, at 202.

opinion of the President may require the presence of any Army officer, and while acting as Indian agents such officers shall be under the orders and direction of the Secretary of the Interior.⁶⁷

- The Secretary of War shall be authorized to detail an officer of the Army, not above the rank of captain, for special duty with reference to Indian education.⁶⁸
- The Secretary of War is authorized to set aside, for use in the establishment of normal and industrial training schools for Indian youth from the *nomadic* tribes having educational treaty claims upon the United States, any vacant posts or barracks, so long as they may not be required for military occupation, and to detail one or more officers of the Army for duty in connection with Indian education, under the direction of the Secretary of the Interior, at each such school so established: *Provided*, That moneys appropriated or to be appropriated for general purposes of education among the Indians may be expended, under the direction of the Secretary of the Interior, for the education of Indian youth at such posts, institutions, and schools as he may consider advantageous, or as Congress from time to time may authorize and provide.⁶⁹
- The Secretary of the Interior is authorized to establish and maintain the former Fort Apache military post as an Indian boarding school for the purpose of carrying out treaty obligations, to be known as the Theodore Roosevelt Indian School: *Provided*, That the Fort Apache military post, and land appurtenant thereto, shall remain in the possession and custody of the

⁶⁷ Act of July 1, 1898, Ch. 545, § 1, 30 Stat. 571, 573.

⁶⁸ Act of June 23, 1879, Ch. 35, § 7, 21 Stat. 35, codified at 25 U.S.C. § 273 (2020).

⁶⁹ Act of July 31, 1882, Ch. 363, 22 Stat. 181, codified at 25 U.S.C. § 276 (2020) (emphasis added).

Secretary of the Interior so long as they shall be required for Indian school purposes.⁷⁰

The War Department continued to provide support and personnel to further the objectives of the Federal Indian boarding school system even after Congress transferred responsibility for Indian Affairs to the Department.



71

⁷⁰ Act of January 24, 1923, Ch. 42, 42 Stat. 1187, codified at 25 U.S.C. § 277 (2020).

⁷¹ Lubken, Walter J. (n.d.). [Photograph of young male students in metalworking classroom at the Phoenix Indian Industrial School]. U.S. Bureau of Reclamation, Phoenix Area Office.



6.2 U.S. Treaty-Making Power: Indian Territorial Dispossession and Indian Assimilation



72

Through treaties and other agreements, Indian Tribes ceded to the United States approximately 1 billion acres of land.⁷³ Like Great Britain and the colonial governments before it, the United States negotiated and entered into formal treaties with Indian Tribes as separate and distinct sovereigns.⁷⁴ From 1722 to 1869, the British Crown and the United States made at least 374 treaties with Indian Tribes.⁷⁵ As non-Indian settlement increased over time, the negotiation power of Indian Tribes diminished. The U.S. Congress has emphasized that “[e]ducation policy ... took place in the context of wave after wave of invasion by white settlers reinforced by military conquest. Treaties, although almost always

⁷² *Children and employees in front of the Yakima Indian Agency school, Fort Simcoe, Washington, approximately 1888* [Photograph]. (1888). University of Washington Special Collections, Washington State Localities Photographs.

⁷³ Kennedy Report, at 143.

⁷⁴ National Records and Archives Service, General Services Administration, *Ratified Indian Treaties 1722–1869*, at 1 (1973).

⁷⁵ National Records and Archives Service, General Services Administration, *Ratified Indian Treaties 1722–1869*, at 1 (1973).

signed under duress, were the window dressing whereby we expropriated the Indian's land and pushed him back across the continent.”⁷⁶

The Treaty Clause of the Constitution reads:

This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.⁷⁷

As a result, Indian treaties and successive statutes, including during the Federal Indian boarding school era, originate with the Constitution and involve U.S.-Indian relations;⁷⁸ U.S.-Native Hawaiian relations;⁷⁹ and political relationships unique to Indian Tribes, Alaska Native Villages, and the Native Hawaiian Community.⁸⁰

More than 150 Indian treaties between Indian Tribes and the United States included education-related provisions, the terms of which often varied.⁸¹ For example, the 1794 Treaty with the Oneida, Tuscarora, and Stockbridge Indians provides that:

The United States will provide, during three years after the mills shall be completed, for the expense of employing one or two suitable persons to manage the mills, to keep them in repair, to instruct some young men of the

⁷⁶ Kennedy Report, at 143.

⁷⁷ U.S. Const. Art. VI., Cl. 2.

⁷⁸ *See, e.g.*, *United States v. Lara*, 541 U.S. 193, 201 (2004) (“And for much of the Nation’s history, treaties, and legislation made pursuant to those treaties, governed relations between the Federal Government and the Indian tribes.”).

⁷⁹ *See, e.g.*, *Rice v. Cayetano*, 528 U.S. 495, 501 (2000) (“the United States and European powers made constant efforts to protect their interests and to influence Hawaiian political and economic affairs in general. The first ‘articles of arrangement’ between the United States and the Kingdom of Hawaii were signed in 1826 ... and additional treaties and conventions between the two countries were signed in 1849, 1875, and 1887”).

⁸⁰ *See Yellen v. Confederated Tribes of the Chehalis Reservation*, 141 S. Ct. 2434, 2440 (2021); *United States v. Cooley*, 141 S. Ct. 1638, 1642 (2021); *McGirt v. Oklahoma*, 140 S. Ct. 2452, 2477 (2020); *Doe v. Kamehameha Schools/Bernice Pauahi Bishop Estate*, 470 F.3d 827, 847 (9th Cir. 2006) (en banc); *Worcester v. Georgia*, 31 U.S. 515, 557 (1832).

⁸¹ Cohen’s Handbook of Federal Indian Law, § 22.03 (1)(a) (Nell Jessup Newton ed., 2019).

three nations in the arts of the miller and sawyer, and to provide teams and utensils for carrying on the work of the mills.⁸²

In contrast, the 1868 Fort Laramie Treaty between the United States and Great Sioux Nation mandated that:

In order to insure the civilization of the Indians entering into this treaty, the necessity of education is admitted, especially of such of them as are or may be settled on said agricultural reservations, and they, therefore, pledge themselves to compel their children, male and female, between the ages of six and sixteen years, to attend school, and it is hereby made the duty of the agent for said Indians to see that this stipulation is strictly complied with.⁸³

The text of many Indian treaties evinces that Indian education was a priority in U.S.-Indian relations.

In 1871, Congress ended treaty-making with Indian Tribes, but existing treaty obligations were expressly validated and affirmed.⁸⁴ Thereafter, the Federal Government used only statutes, executive orders, and agreements to regulate Indian Affairs.⁸⁵

⁸² Treaty between the United States and the Oneida, Tuscorora [sic] and Stockbridge Indians, dwelling in the Country of the Oneidas, (Dec. 2, 1794), 7 Stat. 47.

⁸³ Treaty between the United States of American and different Tribes of Sioux Indians, art. 7 (Apr. 29, 1868), 15 Stat. 635, 637 [1868 Fort Laramie Treaty].

⁸⁴ An act of Congress of March 3, 1871 (16 Stat. 566).

⁸⁵ Cohen's Handbook of Federal Indian Law § 5.01 (2) (Nell Jessup Newton ed., 2019).



86



6.3 Indian Child Removal: A Part of Historical U.S. Policy

“Many Indian families resisted the assault of the Federal Government on their lives by refusing to send their children to school.”

– Kennedy Report, U.S. Senate, 1969.⁸⁷

After 1871, Congress enacted laws to compel Indian parents to send their children to school and to authorize the Secretary of the Interior to issue regulations to “secure the enrollment and regular attendance of eligible Indian children who are wards of the Government in schools maintained for their benefit by the United States or in public schools.”⁸⁸ For example, under the Act of March 3, 1893,⁸⁹ Congress authorized the Secretary of the Interior to withhold rations, including those guaranteed by treaties, to Indian families whose children did not attend schools:

The Secretary of the Interior may in his discretion, establish such regulations as will prevent the issuing of rations or the

⁸⁶ Grabill, J.C.H., *U.S. School for Indians at Pine Ridge, S.D.* [Photograph]. (1891). Grabill Collection, Library of Congress Prints and Photographs Division, Washington, D.C.

⁸⁷ Kennedy Report, at 12.

⁸⁸ See, e.g., Act of February 14, 1920, Ch. 75, § 1, 41 Stat. 410, codified as 25 U.S.C. § 282 (2020).

⁸⁹ Act of March 3, 1893, Ch. 209, § 1, 27 Stat. 628, 635, codified as 25 U.S.C. § 283 (2020).

furnishing of subsistence either in money or in kind to the head of any Indian family for or on account of any Indian child or children between the ages of eight and twenty-one years who shall not have attended school during the preceding year in accordance with such regulations.⁹⁰

And as the Federal Government has stated, the eventual “abolition of the ration system ... which in many instances has had the effect of forcing the children into school, has been made possible through the ameliorating influence of the Government and church schools.”⁹¹

The United States has applied such Federal regulations, including removal of Indian children to off-reservation Federal Indian boarding schools without parental consent. For example, the Department has recognized the Federal effort to transport Indian children from the Navajo Nation to off-reservation Federal Indian boarding schools without parental consent as follows:

In 1919 it was discovered that only 2,089 of an estimated 9,613 Navajo children were attending school, and thus the Government initiated a crash program of Navajo education. But because of a lack of schools on the reservation, many Navajo children were transported to boarding schools throughout the West and Southwest, without their parents’ consent.⁹²

There is ample evidence in Federal records demonstrating that the United States coerced, induced, or compelled Indian children to enter the Federal Indian boarding school system.

⁹⁰ Act of March 3, 1893, Ch. 209, § 1, 27 Stat. 628, 635, codified as 25 U.S.C. § 283 (2020); *see, e.g.*, ARCIA for 1906, at 402 (“This good record has been possible thru the granting of authority by the Secretary of the Interior to withhold annuities from parents who refused to place their children in some school.”).

⁹¹ ARCIA for 1903, at 376.

⁹² Kennedy Report, at 12.



93



7. Federal Indian Boarding School System Framework

“Past experience goes far to prove that it is cheaper to educate our wards than make war on them, or let them grow up in ignorance, to say nothing of the humanity of the act, or the results attained.”⁹⁴ Federal records document that the United States considered the Federal Indian boarding school system a central part of its Indian assimilation policy. The Department has described the role of Indian assimilation policy coupled with Indian land dispossession policy as follows:

The essential feature of the Government’s great educational program for the Indians is the abolition of the old tribal relations and the treatment of every Indian as an individual. The basis of this individualization is the breaking up of tribal lands into allotments to the individuals of the tribe. This step is fundamental to the present Indian policy of the Government. Until their lands are allotted, the Government is merely marking time in dealing with any groups of Indians.⁹⁵

The Department has stated it was “indispensably necessary that [the Indians] be placed in positions where they can be controlled, and finally compelled, by stern necessity, to resort

⁹³ *Male students with broom at the Fort Yuma Indian Boarding School.* [Photograph] (n.d.). Fort Yuma Quechan Indian Tribe Photo Gallery, Ft Yuma Indian School Collection.

⁹⁴ ARCIA for 1880, at 89.

⁹⁵ ARCIA for 1910, at 28.

to agricultural labor or starve,”⁹⁶ later adding that “[i]f it be admitted that education affords the true solution to the Indian problem, then it must be admitted that the boarding school is the very key to the situation.”⁹⁷ Indeed, the Department early on concluded that Indian boarding schools “go further ... towards securing [U.S.] borders from bloodshed, and keeping peace among the Indians themselves, and attaching them to us, then would the physical force of our Army, if employed exclusively towards the accomplishment of those objectives.”⁹⁸

Federal records indicate that the United States viewed official disruption to the Indian family unit as part of Federal Indian policy to assimilate Indian children. “The love of home and the warm reciprocal affection existing between parents and children are among the strongest characteristics of the Indian nature.”⁹⁹ When the Department requested the Brookings Institution¹⁰⁰ to study “the economic and social condition of American Indians,”¹⁰¹ the resulting Meriam Report found in 1928 that the main disruption to the Indian family and Tribal relations had come from the Federal Indian boarding school system:

[O]n the whole government practices may be said to have operated against the development of wholesome [Indian] family life.

Chief of these is the long continued policy of educating the [Indian] children in boarding schools far from their homes, taking them from their parents when small and keeping them away until parents and children become strangers to each other. The theory was once held that the problem of the [Indian] could be solved by educating the children, not to return to the reservation, but to be absorbed one by one into the white population. This plan involved the permanent breaking of family ties, but provided for the children a substitute for their

⁹⁶ ARCIA for 1850, at 1.

⁹⁷ ARCIA for 1886 LXI (1886).

⁹⁸ ARCIA for 1826, at 508.

⁹⁹ ARCIA for 1904, at 392.

¹⁰⁰ In 1927 the Institute for Government Research (IGR) became the Brookings Institution.

¹⁰¹ Lewis Meriam, Institute for Government Research, *The Problem of Indian Administration*, at vii (1928) [hereinafter Meriam Report].

own family life by placing them in good homes of whites for vacations and sometimes longer, the so-called “outing system.” The plan failed, partly because it was weak on the vocational side, but largely by reason of its artificiality. Nevertheless, this worst of its features still persists, and many children today have not seen their parents or brothers and sisters in years.¹⁰²

The Federal Indian Boarding School Initiative sheds a new light on how the Federal Indian boarding school system produced intergenerational trauma by disrupting family ties in Indian Tribes, Alaska Native Villages, and the Native Hawaiian Community.



103

A significant outcome of deliberate Federal disruption to the Indian family unit through removal of Indian children from their Indian Tribes and Alaska Native Villages to off-reservation Indian boarding schools, is that, depending on location, Indian children experienced the Federal Indian boarding school system alongside other Indian children from the same *and* different Indian Tribe(s) and Alaska Native Village(s).¹⁰⁴ The Federal Government accordingly devised artificial communities of Indian children throughout the Federal Indian boarding school system, resulting in the creation of other Indian families

¹⁰² Meriam Report, at 573–74.

¹⁰³ Hartog, C. (1910). Rehoboth School [Photograph]. *Indian mission sketches: Descriptions and views of Navajo life, the Rehoboth Mission School and the Stations Tohatchi and Zuni*, 22. Gallup, N.M.: The Author. Hathi Trust Digital Library.

¹⁰⁴ Kennedy Report, at 160.

and extended families depending on whether an Indian child returned to the child's own Indian Tribe or Alaska Native Village or located elsewhere after completing education in a Federal Indian boarding school.¹⁰⁵ For example, in 1886, Haskell Institute, Kansas, instituted a “a stricter form of discipline than heretofore prevailed” by establishing a “cadet battalion organization of five companies [to] br[eak] up the tribal associations. Size of cadets, and not their tribal relations, determining now place in dormitory and mess hall, also necessitates a more frequent recourse to the English language as a common medium, by bringing pupils of different tribes into closer contact.”¹⁰⁶ In that year alone, the Institute intentionally mixed Indian children from 31 different Indian Tribes to disrupt Tribal relations and discourage or prevent Indian language use across the “Apache, Arapaho, Cheyenne, Cherokee, Chippewa, Comanche, Caddo, Delaware, Iowa, Kiowa, Kickapoo, Kaw, Mojave, Muncie, Modoc, Miami, New York, Omaha, Ottawa, Osage, Pawnee, Pottawatomie, Ponca, Peoria, Quapaw, Seneca, Sac and Fox, Seminole, Shawnee, Sioux, [and] Wyandotte” children.¹⁰⁷ The Department acknowledged that “[i]ntermarriage by the young graduates of different nations would necessitate the use of the English language, which their offspring would learn as their mother tongue.”¹⁰⁸ Federal Indian law and policy accounts for Indians that are (1) from a single Indian Tribe or Alaska Native Village; (2) multi-Tribal; (3) Alaska Native Corporation shareholders; (4) reservation-based; (5) urban-based; (6) other Indian families; (7) extended families, (8) terminated; (9) descendant; and (10) otherwise statutorily determined—various political and legal classifications that result in part from the Federal Indian boarding school system.¹⁰⁹

¹⁰⁵ See, e.g., Kennedy Report, at 160 (describing that “Navajo children were sent as far away as the Chemawa Boarding School in Oregon, and in turn displaced hundreds of Indian students from the Northwest who were rerouted to boarding schools in Oklahoma” and “hundreds of Alaskan native children without schools [were sent] to the Chemawa School in Oregon and the overflow to boarding schools in Oklahoma. [In 1968], more than 400 Alaskan natives were sent to the Chilocco Boarding School in Oklahoma.”).

¹⁰⁶ ARCIA for 1886, at 6; see also Kathryn E. Fort, *American Indian Children and the Law* 8 (Carolina Academic Press, 2019) (“Even when children were completely separated from their language and culture, they were able to connect with other Native children through the use of their newly learned English language skills.”).

¹⁰⁷ ARCIA for 1885, at 5.

¹⁰⁸ ARCIA for 1886, at 61 (emphasis added).

¹⁰⁹ See, e.g., 25 U.S.C. § 1603 (13)(A)–(D) (recognizing “Indians” or “Indian” means any person who is a member of an Indian tribe and irrespective of whether an individual lives on or near a reservation, is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside, or who is a descendant, in the first or second degree, of any such member, or is an Eskimo or Aleut or other Alaska Native, or is considered by the Secretary of the Interior to be an Indian for any purpose, or is determined to be an Indian under regulations promulgated by the Secretary); 25 U.S.C. § 1903 (5) (recognizing “Indian child’s tribe” means (a) the Indian tribe in which an Indian child is a member or eligible for membership or (b), in the case of an Indian child who is a member of or eligible for membership in more than one tribe, the Indian tribe with which the Indian child has the more significant contacts”); 25 U.S.C. § 1915 (a) (recognizing “other Indian families”) (emphasis added), (b) (recognizing “a member of the Indian child’s extended family”).



110

The United States has for nearly two centuries consistently recognized that Indian boarding schools comprised a system for Indian education: “Indian schools must train the Indian youth of both sexes to take upon themselves the duties and responsibilities of citizenship. To do this requires a system of schools and an organization capable of preparing the Indian young people to earn a living either among their own people or away from the reservation homes and in competition with their white brethren. This contemplates a practical system of schools with an essentially vocational foundation.”¹¹¹

¹¹⁰ *Yakima School girls*, Fort Simcoe, Washington [Photograph]. (n.d.). American Indians of the Pacific Northwest Images Digital Collection, Estelle Reel Collection, Northwest Museum of Arts and Culture.

¹¹¹ ARCIA for 1916, at 10 (emphasis added); see also ARCIA for 1931, at 4 (noting that in Indian education “one kind of a philosophy and one kind of a system have been established a long time”); ARCIA for 1916, at 9 (noting “uniform course of study for all Indian schools marks a forward step in the educational system,” “system of education”); ARCIA for 1899, at 437 (describing “The Development of the Indian School System”); ARCIA for 1886, at LX (documenting “control [of] the Indian school system,” “supervision of the Indian school system,” “history and development of the Indian school system,” and “divisions and operation of the system”); Commissioner of Indian Affairs, Annual Report to the Secretary of War 61 (1846) (documenting the “system of education”); Commissioner of Indian Affairs, Annual Report to the Secretary of War 516 (1839) (noting “manual-labor system”); Report on Indian Affairs to the Secretary of War 61 (1828) (providing a statement showing the “number of Indian schools, where established, by whom, the number of Teachers, &c., the number of Pupils, and the amount annually allowed and paid to each by the Government,” that is, documenting a system).

The Federal Indian Boarding School Initiative investigation at this stage did not examine the Federal Indian day school system, the precursor education system to the Federal Indian boarding school system. To analyze the Federal Indian boarding school system in this report, the Department notes that in the past it has described that “day school instruction is the initial and most important element in the education of the Indian.”¹¹² “To the day school the Indian child comes fresh from the tepee and finds himself at once amid new and strange surroundings.”¹¹³ Federal Indian day schools were primarily located on Indian reservations and did not have a housing component for children directly on-site with the education institution. Indian day schools “have, in nearly every instance, preceded the boarding school” and “in many cases been established through the benevolent efforts of missionaries or the wives of Army officers stationed at military reservations in the Indian [C]ountry.”¹¹⁴ Still, the Department has underscored that only “by complete isolation of the Indian child from his savage antecedents can he be satisfactorily educated, and the extra expense attendant thereon is more than compensated by the thoroughness of the work.”¹¹⁵

To operate the Federal Indian boarding school system, the Federal Government supported schools with a housing component directly on-site with the education institution. The Federal Government applied several approaches of Indian education that differed by Federal resources provided, location type, including on and off Indian reservations, operator type, and education program type. The Department in the past has classified Indian boarding schools that included those that were:

- Located on Indian reservations and controlled by agents.
- Run independently.
 - Supported by general appropriation.
 - Supported by special appropriation.
- Contract schools
 - Supported by general appropriation.
 - Supported by special appropriation.
 - Mission schools established and chiefly supported by religious associations.¹¹⁶

¹¹² ARCIA for 1904, at 394.

¹¹³ ARCIA for 1904, at 392.

¹¹⁴ ARCIA for 1886, at LXI.

¹¹⁵ ARCIA for 1886, at LXI.

¹¹⁶ ARCIA for 1886, at LX.

The Department has documented that off-reservation Federal Indian boarding school representatives were “allowed to select children from those attending reservation schools. The effect has been, in many instances, *to demoralize the latter* by selecting the brightest and best pupils, and in some instances to take children that might have been educated at home with little expense to the Government.”¹¹⁷

Federal Indian boarding schools were funded by annual appropriations from Congress but also received resources from other sources as well. For the purposes of this report, the Department identified a number of different sources of funding for the operation of Federal Indian boarding schools:

- Appropriations made under the educational provisions of existing Indian treaties.
- Funded investments of bonds and other securities held by the United States.
- Proceeds of the sale of lands of certain Indian Tribes.
- Accumulations of money in the Treasury resulting from the sale of lands.
- Annual appropriations by U.S. Congress for Indian school purposes.¹¹⁸

Based upon these sources, it is apparent that proceeds from cessions of Indian territories to the United States through treaties—which were often signed under duress¹¹⁹—were used to fund the operation of Federal Indian boarding schools. As a result, the United States’ assimilation policy, the Federal Indian boarding school system, and the effort to acquire Indian territories are connected.

¹¹⁷ ARCIA for 1886, at LXVIII (emphasis added).

¹¹⁸ ARCIA for 1886, at LX–LXI.

¹¹⁹ Kennedy Report, at 143.



120

The United States used monies resulting from Indian wealth depletion from cessions of territories, and held in Federal trust accounts for Indian Tribes, to pay for the attempted assimilation process of Indians. As Congress has found, a “large proportion of the expense for the operation of the schools came from Indian treaty funds and not Federal appropriations.”¹²¹ For example, between 1845 and 1855, while over \$2 million was spent on the Federal Indian boarding school system, Federal appropriations accounted for only 1/20th, or \$10,000 per year, of the sum, with Indian trust fund monies supplying the rest.¹²² In addition, concerning the Dawes Severalty Act of 1887 alone, which turned territories from collective Indian ownership into individual Indian land allotments, Congress determined, however intended, “the actual results of the law were a diminishing of the Indian tribal economic base from 140 million acres to [approximately] 50 million acres, and severe social disorganization of the Indian family.”¹²³ Congress further concluded that the Dawes Act’s “land policy was directly related to the Government’s Indian education policy because proceeds from the destruction of the Indian land base were used to pay the costs of taking Indian children from their homes and placing them in Federal boarding

¹²⁰ Lubken, Walter J. (n.d.). [Photograph of young male students in printing press shop at the Phoenix Indian Industrial School]. U.S. Bureau of Reclamation, Phoenix Area Office.

¹²¹ Kennedy Report, at 146.

¹²² Report of the Secretary of the Interior, Sen. Ex. Doc., No. 1, Part 1, 34th Congress, First Session, at 1, 561 (1855).

¹²³ Kennedy Report, at 12.

schools—a system designed to dissolve the Indian social structure.”¹²⁴ The total amount of Tribal or individual Indian trust fund account monies, if any, held in trust by the United States and used to directly support the Federal Indian boarding school system is currently unknown.

In 1908, the Supreme Court ruled in *Quick Bear v. Leupp* that the United States could use monies held in treaty and trust fund accounts for Indian territories ceded to the United States to fund children “induced or compelled” to attend Indian boarding schools that were operated by religious institutions or organizations.¹²⁵ While payments to religious institutions and organizations depleted funds Indian Tribes were entitled to, the Court held that the prohibition on the Federal Government to spend funds on religious schools did not apply to Indian treaty funds,¹²⁶ did not violate Indian appropriations acts,¹²⁷ and to forbid such expenditures would violate the free exercise clause of the First Amendment.¹²⁸



129

¹²⁴ Kennedy Report, at 12.

¹²⁵ *Quick Bear v. Leupp*, 210 U.S. 50 (1908); see also Kennedy Report at 143 (1969) (describing that as “treaty funds became available, these too were disbursed” “among those societies and individuals—usually missionary organizations—that had been prominent in the effort to ‘civilize’ the Indians”).

¹²⁶ *Quick Bear v. Leupp*, 210 U.S. at 81.

¹²⁷ *Quick Bear v. Leupp*, 210 U.S. at 78.

¹²⁸ *Quick Bear v. Leupp*, 210 U.S. at 81.

¹²⁹ U.S. Library of Congress, Harris & Ewing Collection, Untitled (1913). [Photograph showing High Pipe; Charles Tackett; Hollow Horn Bear, Jr.; William Thunderhawk; Senator Sterling Of South Dakota; Eugene Little; Reuben

Although individual Federal Indian boarding schools varied by operation, management, and funding, together they comprised a Federally recognized system.



8. The Role of Religious Institutions and Organizations in the Federal Indian Boarding School System



130

“It is quite possible for missionaries without the personal qualifications necessary for work with the Indians to maintain themselves indefinitely in isolated locations, obstacles both to the work of the church and to the efforts of the government.”

– Meriam Report, made at the request of the Secretary of the Interior, 1928.¹³¹

The Federal Government and Department also maintained relationships with religious institutions and organizations for the Federal Indian boarding school system. Indian reservations “were distributed among the major religious denominations, which, in

Quick Bear; Henry Horse Looking; and Silas Standing Elk) (showing Reuben Quick Bear, plaintiff in Quick Bear v. Leupp, second row, far right)].

¹³⁰ *Female students in front of building at the Fort Yuma Indian Boarding School.* (n.d.). Fort Yuma Quechan Indian Tribe Photo Gallery, Ft Yuma Indian School Collection.

¹³¹ Meriam Report, at 838.

an unprecedented delegation of power by the Federal Government to church bodies, were given the right to nominate new agents, and direct educational and other activities on the reservations.”¹³² Department records indicate that, in addition to the U.S. Army assigning officers to duty as superintendents of Indian affairs and Indian agents under the direction of the Indian Office, the Executive accepted official recommendations by religious institutions and organizations for presidential appointed posts in states and territories.¹³³ The Department has described the public-private relationship as follows:

[T]he [Indian] agencies were, so to speak, apportioned among the prominent denominational associations of the country, or the missionary societies representing such denominational views; ... to make nominations to the position of agent ... and in and through this extra-official relationship to assume charge of the intellectual and moral education of the Indians thus brought within the reach of their influence.¹³⁴

The U.S. Senate has confirmed, the U.S. “military was frequently called in to reinforce the missionaries’ orders.”¹³⁵

¹³² Kennedy Report, at 147.

¹³³ ARCIA for 1872, at 72.

¹³⁴ ARCIA for 1872, at 72.

¹³⁵ Kennedy Report, at 147.



136

Initial examination of Federal records demonstrates that the United States received support from religious institutions and organizations for the Federal Indian boarding school system and directly provided support to religious institutions and organizations for the Federal Indian boarding school system.¹³⁷ “Since appropriations for Indian schools have been regularly made, a portion of the funds has been wisely expended in the encouragement of the benevolent work of [missionary] organizations.”¹³⁸ As the U.S. Senate has recognized, funds from the 1819 Civilization Fund “were apportioned among those societies and individuals—usually missionary organizations—that had been prominent in the effort to ‘civilize’ the Indians.”¹³⁹

The United States at times paid religious institutions and organizations on a per capita basis for Indian children to enter Federal Indian boarding schools operated by religious institutions or organizations. As part of the Federal Indian boarding school system, the Department contracted with several religious institutions and organizations including the American Missionary Association of the Congregational Church, the Board of Foreign Missions of the Presbyterian Church, the Board of Home Missions of the

¹³⁶ *Female students standing outside at the Fort Yuma Indian Boarding School.* (n.d.). Fort Yuma Quechan Indian Tribe Photo Gallery, Ft Yuma Indian School Collection.

¹³⁷ Some religious and other non-federal entities that participated in these and similar initiatives have since apologized for their roles in them, and pledged to make amends. See e.g., Elisabetta Povoledo and Ian Austen, “*I Feel Shame*”: Pope Apologizes to Indigenous People of Canada, *New York Times*, Apr. 1, 2022.

¹³⁸ ARCIA for 1886, at LXV.

¹³⁹ Kennedy Report, at 143.

Presbyterian Church, the Bureau of Catholic Indian Missions, and the Protestant Episcopal Church “to pay a certain sum for each pupil ... being supplemented by the religious organizations conducting the school.”¹⁴⁰ In 1886, Indian School Superintendent John B. Riley reported to the Secretary of the Interior on the importance of using public support for Indian children to enter Indian boarding schools operated by religious institutions or organizations:

The Government aid furnished enables them to sustain their missions, and renders it possible ... to lead these people, whose paganism has been the chief obstacle to their civilization, into the light of Christianity – a work in which the Government cannot actively engage ... They should receive the encouragement and co-operation of all Government employés [sic].¹⁴¹

The United States also set apart tracts of Indian reservation lands for the use of religious institutions and organizations carrying on educational and missionary work among the Indians.¹⁴² The Department’s initial assessment of relevant Federal records shows that the United States directly contributed financially to Indian boarding schools operated by religious institutions and organizations. “The basic approach of subsidizing various religious groups to operate schools for Indians did not come to an end until 1897.”¹⁴³

By 1928, the Department observed that the lack of central oversight over Indian boarding schools operated by religious institutions and organizations significantly impaired the Federal Indian boarding school system. “[N]o central interdenominational supervision of mission work exists, and that therefore no standards are set up as a minimum below which the work should not fall.”¹⁴⁴ As a result, “a weak denomination with low educational standards for its missionaries may maintain indefinitely a mission station

¹⁴⁰ ARCIA for 1886, at LXV.

¹⁴¹ ARCIA for 1886, at LXVI.

¹⁴² Act of Sept. 21, 1922, Ch. 367, § 3, 42 Stat. 995, codified at 25 U.S.C. § 280 (2020) (authorizing and directing the Secretary of the Interior “to issue a patent to the duly authorized missionary board, or other proper authority, of any religious organization engaged in mission or school work on any Indian reservation for such lands thereon as have been heretofore set apart to and are now [Sept. 21, 1922] being actually and beneficially used and occupied by such organization solely for mission *or school* purposes, the area so patented to not exceed one hundred and sixty acres to any one organization at any station: Provided, That such patent shall provide that when no longer used for mission or school purposes said lands shall revert to the Indian owners.”) (emphasis added); ARCIA for 1902, at 51.

¹⁴³ Kennedy Report, at 147.

¹⁴⁴ Meriam Report, at 838.

manned by people with only the most elementary education and with no training whatever ...” and “a strong denomination with high standards of general education ... may lend support in isolated spots to work of a specialized nature assumed by missionaries with no technical and little real understanding of the problems involved in their secular activities.”¹⁴⁵ “The worst feature of such situations is not that the Indians of the localities are poorly served, but that the governing boards remain ignorant of the real problems of Indian missions.”¹⁴⁶



147

¹⁴⁵ Meriam Report, at 838.

¹⁴⁶ Meriam Report, at 838.

¹⁴⁷ *Students in front of building at the Fort Yuma Indian Boarding School* [Photograph]. (n.d.). Fort Yuma Quechan Indian Tribe Photo Gallery, Ft Yuma Indian School Collection.



9. Federal Indian Boarding School System Conditions



148

Despite differences in operation, management, and funding, the United States recognized that the Federal Indian boarding school system was central to Indian territorial dispossession and Indian assimilation. Often using active or decommissioned military sites, Federal Indian boarding schools “were designed to separate a child from his reservation and family, strip him of his tribal lore and mores, force the complete abandonment of his native language, and prepare him for never again returning to his people.”¹⁴⁹ As a result, the United States applied systematic militarized and identity-alteration methodologies¹⁵⁰ in the Federal Indian boarding school system to assimilate American Indian, Alaska Native, and Native Hawaiian children through education.

In 1902, Commissioner of Indian Affairs William A. Jones described the main goal of applying systematic militarized and identity-alteration methodologies in the Federal Indian boarding school system as follows:

The young of the wild bird, though born in captivity, naturally retains the instincts of freedom so strong in the parent and beats the bars to secure it, while after several generations of captivity the young bird will return to the cage after a brief period of freedom. So with the Indian child. The first wild redskin placed

¹⁴⁸ *Apache youth in traditional clothing* [Photograph]. Apache Incarceration. (n.d.) National Park Service; *Apache youth in military uniforms* [Photograph]. Apache Incarceration. (n.d.) National Park Service.

¹⁴⁹ Kennedy Report, at 12.

¹⁵⁰ Meriam Report, at 379, 382, 394; Maria Yellow Heart Brave Heart et al., *The American Indian Holocaust: Healing Historical Unresolved Grief*, 8 *American Indian & Alaska Native Mental Health Research* 56 (1998).

in the school chafes at the loss of freedom and longs to return to his wildwood home. His offspring retains some of the habits acquired by the parent. These habits receive fresh development in each successive generation, fixing new rules of conduct, different aspirations, and greater desires to be in touch with the dominant race.¹⁵¹

Generations of Indian children, separate and together, experienced the Federal Indian boarding school system, which Congress recognized was “run in a rigid military fashion, with heavy emphasis on rustic vocational education.”¹⁵²

“The children are improved rather in their habits than in what they learn from books.”¹⁵³ For example, to teach them “obedience and cleanliness, and give[] them a better carriage,” Department records detail examples of organizing Indian male children “into companies as soldiers, and the best material selected for sergeants and corporals.”¹⁵⁴ “They have been uniformed and drilled in many of the movements of army tactics.”¹⁵⁵ As late as 1917, the Department course of study for Indian schools included “military and gymnastic exercises” for an hour, two or three times per week in grades 4 through 6 (pre-vocational) and in grades 6 through 10 (vocational).¹⁵⁶

Children in Federal Indian boarding schools had “their twenty-four hours so systematized that there is little opportunity to exercise any power of choice.”¹⁵⁷ For example, the curriculum for first grade students across the Federal Indian boarding school system in 1917 included the following:¹⁵⁸

¹⁵¹ ARCIA for 1902, at 3.

¹⁵² Kennedy Report, at 12.

¹⁵³ Commissioner of Indian Affairs, Annual Report to the Secretary of War 128 (1846).

¹⁵⁴ ARCIA for 1880, at 180.

¹⁵⁵ ARCIA for 1880, at 180.

¹⁵⁶ ARCIA for 1915, at 16–21.

¹⁵⁷ Meriam Report, at 577.

¹⁵⁸ ARCIA for 1916, at 13.

BOARDING SCHOOLS

The time assigned to a subject indicates its relative importance

FIRST GRADE	General Exercises (25 minutes.)	Assembly, once each week.
		Music, once each week.
		Manners and right conduct, once each week.
	English (110 minutes.)	Current events, once each week. Conversational and other oral exercises. History. Health. Numbers. Nature Study. Reading and written exercises.
	Writing and Drawing (alternate). (20 minutes.)	
	Breathing Exercises. (10 minutes.)	
	Industrial Work (240 minutes.)	Small and young pupils should not be required to work full time.
	Physical Training (60 minutes.)	
	Evening hour. (60 minutes.)	
	Meals, free time, extra detail. (6 hours 15 minutes.)	Little folks, free play. Adults, miscellaneous exercises.
	Sleep.	
	(9 hours—10 hours for little folks.)	

Systematic identity-alteration methodologies employed by Federal Indian boarding schools included renaming Indian children from Indian names to different English names;¹⁵⁹ cutting the hair of Indian children;¹⁶⁰ requiring the use of military or other standard uniforms as clothes;¹⁶¹ and discouraging or forbidding the following in order to compel them to adopt western practices and Christianity: (1) using Indian languages, (2) conducting cultural practices, and (3) exercising their religions.¹⁶² “When first brought in

¹⁵⁹ ARCIA for 1904, at 42–45.

¹⁶⁰ ARCIA for 1886, at 199; ARCIA for 1858, at 50.

¹⁶¹ ARCIA for 1886, at 199; ARCIA for 1858, at 50.

¹⁶² Kennedy Report, at 10–13; Meriam Report, at 189–195; ARCIA for 1886, at XXIII; Ursula Running Bear et al., Boarding School Attendance and Physical Health Status of Northern Plains Tribes, 13 Applied Res. Qual. Life 633 (2018).

they are a hard-looking set. Their long tangled hair is shorn close, and then they are stripped of their Indian garb thoroughly washed, and clad, in civilized clothing. The metamorphosis is wonderful, and the little savage seems quite proud of his appearance.”¹⁶³ “Teaching the young Indian child to speak English is essentially the first step in his training, and special attention has been directed to giving him a working knowledge of the language in the shortest possible time.”¹⁶⁴

“No Indian is spoken[:]”¹⁶⁵ “There is not an Indian pupil whose tuition and maintenance is paid for by the United States Government who is permitted to study any other language than our own vernacular – the language of the greatest, most powerful, and enterprising nationalities beneath the sun.”¹⁶⁶ For some Indian Tribes and Alaska Native Villages, the Federal Indian boarding school system was not the first systematic language discouragement or prevention experience. For example, the Department has recognized that for the Indian Pueblos in New Mexico, a “large number of them understand and speak the Spanish language, and only the young, now being educated in the industrial schools, understand and speak English.”¹⁶⁷

Indian boarding school rules were often enforced through punishment, including corporal punishment, such as solitary confinement,¹⁶⁸ “flogging, withholding food, ... whipping[,]”¹⁶⁹ and “slapping, or cuffing.”¹⁷⁰ At times, rule enforcement was a group experience: “for the first offense, unless a serious one, a reprimand before the school is far better than a dozen whippings, because one can teach the whole school that the offender has done something that is wrong, and they all know it and will remember it, while it is humiliating to the offender and answers better than whipping.”¹⁷¹ Federal Indian boarding schools also conducted discipline at times by making older children to punish younger children. “When offenses have been serious enough to demand corporal punishment, the

¹⁶³ ARCIA for 1886, at 199.

¹⁶⁴ ARCIA for 1904, at 391.

¹⁶⁵ ARCIA for 1886, at 134.

¹⁶⁶ ARCIA for 1886, at XXIII.

¹⁶⁷ ARCIA for 1886, at 206.

¹⁶⁸ ARCIA for 1896, at 343.

¹⁶⁹ ARCIA for 1899, at 206; Ursula Running Bear et al., *The Impact of Individual and Parental American Indian Boarding School Attendance on Chronic Physical Health of Northern Plains Tribes*, 42 *Fam. Community Health* 1 (2019).

¹⁷⁰ ARCIA for 1886, at 195; see also, ARCIA for 1896, at 107, 123 (describing punishment for failure to speak English).

¹⁷¹ ARCIA for 1886, at 195.

cases have generally been submitted to a court of the older pupils, and this has proved a most satisfactory method.”¹⁷² Describing the practice of “trying boys guilty of any serious offense by a court-martial, using the older and more intelligent as a court,” the Department has acknowledged, “the members of the court-martial are detailed from the cadet officers, care being taken to secure an impartial selection from various tribes.”¹⁷³ “Charges are preferred against the prisoner; the court examines witnesses, hears the defense, fixes the degree of guilt, and recommends a punishment.”¹⁷⁴ The Department has later observed Indian school children “live[d] under strict discipline that not only fail[ed] to accomplish its purpose of moral training but in many cases contribute[d] to an attitude of conflict with authority of any sort.”¹⁷⁵

Initial analysis demonstrates a trend of Indian children escaping and running away from Federal Indian boarding schools.¹⁷⁶ “The children who have run away from school have been promptly brought back and punished, and judicious punishment has in all instances proved very salutary.”¹⁷⁷ For example, the Department has recognized that at the Kickapoo Boarding School, Kansas, “[r]unaways, both boys and girls, were frequent during the first half of the year. Corporal punishment was resorted to,” and the “habit, being of longstanding, was not entirely overcome; but I am convinced that a prompt returning of the runaways and a whipping administered soundly and prayerfully, helps greatly toward bringing about the desired result.”¹⁷⁸

¹⁷² ARCIA for 1880, at 180.

¹⁷³ ARCIA for 1881, at 188.

¹⁷⁴ ARCIA for 1881, at 188.

¹⁷⁵ Meriam Report, at 579.

¹⁷⁶ See, e.g., ARCIA for 1892, at 657 (“[R]unning away of 7 boys whose return I failed to secure, though every effort was made to intercept them by writing and telegraphing civil officials along their line of travel, and a persistent and continued chase after them over mountains. Two of them reached the reservation in safety and reported having seen me hunting them in the mountains.”); ARCIA for 1906, at 392, 402; ARCIA for 1905, at 169, 250, 424; ARCIA for 1904, at 224 (“I found the school sadly deficient in discipline; runaways were of frequent occurrence; the boys were in the habit of barricading their doors, painting their faces, and indulging in Indian dances.”); ARCIA for 1903, at 121, 182, 194, 275, 363; ARCIA for 1902, at 172, 174, 275, 384; ARCIA for 1895, at 216; ARCIA for 1892, at 647; ARCIA for 1890, at 12; ARCIA for 1885, at 21; ARCIA for 1884, at XIX; ARCIA for 1882, at 60, 61, 164; ARCIA for 1868, at 241.

¹⁷⁷ ARCIA for 1886, at 38.

¹⁷⁸ ARCIA for 1899, at 206.

The Department has acknowledged “frankly and unequivocally that the provisions for the care of the Indian children in boarding schools are grossly inadequate.”¹⁷⁹ Rampant physical, sexual, and emotional abuse; disease; malnourishment; overcrowding; and lack of health care in Indian boarding schools are well-documented.¹⁸⁰ For example, the Department has documented the accommodations in select Federal Indian boarding schools as follows:

- White Earth Boarding School, Minnesota: “one bed to two pupils.”¹⁸¹
- Kickapoo Boarding School, Kansas: “three children to each bed.”¹⁸²
- Rainy Mountain Boarding School, Oklahoma: “single beds pushed so closely together to preclude passage between them, and each bed has two or more occupants.”¹⁸³



184

¹⁷⁹ Meriam Report, at 11.

¹⁸⁰ Kennedy Report, at 10–13; Meriam Report, 189–195; Ursula Running Bear et al., Boarding School Attendance and Physical Health Status of Northern Plains Tribes, 13 *Applied Res. Qual. Life* 633 (2018).

¹⁸¹ ARCIA for 1896, at 170.

¹⁸² ARCIA for 1896, at 167.

¹⁸³ ARCIA for 1896, at 256.

¹⁸⁴ Lubken, Walter J. (n.d.). [Photograph of young female students standing next to made beds at the Phoenix Indian Industrial School]. U.S. Bureau of Reclamation, Phoenix Area Office.

The Department has recognized infrastructure deficiencies in the Federal Indian boarding school system:

The boarding schools are crowded materially beyond their capacities. A device frequently resorted to in an effort to increase dormitory capacity without great expense, is the addition of large sleeping porches. They are in themselves reasonably satisfactory, but they shut off light and air from the inside rooms, which are still filled with beds beyond their capacity. The toilet facilities have in many cases not been increased proportionately to the increase in pupils, and they are fairly frequently not properly maintained or conveniently located. The supply of soap and towels has been inadequate.¹⁸⁵

Poor diets high in starch and sugar and low in fresh fruits and vegetables were common in the Federal Indian boarding school system.¹⁸⁶ “The outstanding deficiency is in the diet furnished the Indian children, many of whom are below normal health.”¹⁸⁷ The Department has recognized the poor-quality water supply as well in Federal Indian boarding schools.¹⁸⁸ Still, in some circumstances, the Department has acknowledged that conditions in the Federal Indian boarding school system progressed. For example, in 1897 it recognized that in “the great majority of schools the individual towel, comb, hairbrush, and toothbrush have displaced the social use of these toilet articles.”¹⁸⁹ And, Federal Indian boarding schools in 1897 started to transition from coal-oil lamps to electricity for lighting.¹⁹⁰

¹⁸⁵ Meriam Report, at 12.

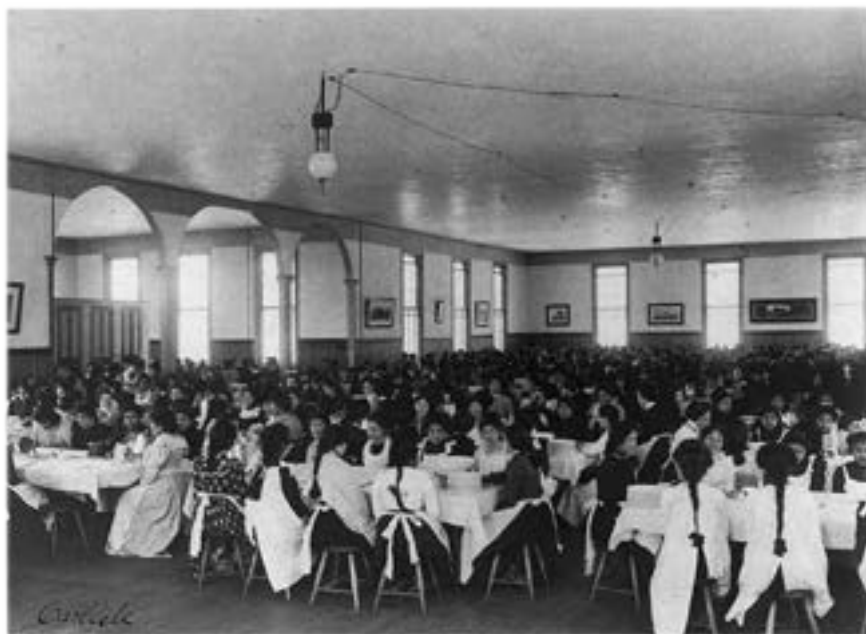
¹⁸⁶ ARCIA for 1896, at 11–12.

¹⁸⁷ Meriam Report, at 11.

¹⁸⁸ *See, e.g.*, ARCIA for 1897, at 173 (“The water supply is totally inadequate, if indeed there can be said to be any.”); ARCIA for 1896, at 171.

¹⁸⁹ ARCIA for 1887, at 330.

¹⁹⁰ ARCIA for 1887, at 17.



191

The Federal Government has held that the infrastructure deficiencies of the Federal Indian boarding school system in part are characteristic of “turning over for school use abandoned forts and other government property. There is almost never any real economy in this practice.”¹⁹² “Military plants ... usually date from long before the modern period of lighting, ventilation, and conveniences, and they are often of poor construction, necessitating continued and expensive repair bills.”¹⁹³ The Department has found in turn that it “may be seriously questioned whether the Indian Service could do very much better than it does without more adequate appropriations.”¹⁹⁴ “From the point of view of education the Indian Service is almost literally a ‘starved’ service.”¹⁹⁵

¹⁹¹ Johnston, F. B., *Students in dining hall, United States Indian School, Carlisle, Pa.* [Photograph]. (1901). Johnston (Frances Benjamin) Collection, Library of Congress Prints and Photographs Division Washington, D.C..

¹⁹² Meriam Report, at 421.

¹⁹³ Meriam Report, at 421–22.

¹⁹⁴ Meriam Report, at 421–22.

¹⁹⁵ Meriam Report, at 348.



9.1 Use of Child Labor as Curricula, and in Response to Deficient Conditions

“The labor of [Indian] children as carried on in Indian boarding schools would, it is believed, constitute a violation of child labor laws in most states.”

– Meriam Report, made at the request of the Secretary of the Interior, 1928.¹⁹⁶



197

The Federal Indian boarding school system focused on vocational training, involving manual labor of Indian children.¹⁹⁸ To “furnish Indian boys and girls with a type of education that would be practical and cost little the government years ago adopted for the boarding schools a half-time plan whereby pupils spend half the school day in ‘academic’ subjects and the remaining half day in work about the institution.”¹⁹⁹ Federal records

¹⁹⁶ Meriam Report, at 376.

¹⁹⁷ Lubken, Walter J. (n.d.). [Photograph of young female students seated with sewing machines in classroom at the Phoenix Indian Industrial School]. U.S. Bureau of Reclamation, Phoenix Area Office.

¹⁹⁸ ARCIA for 1852, at 4.

¹⁹⁹ Meriam Report, at 374.

indicate that as “practical education is what [the Indian] most requires” the Federal Indian boarding system limited text-book instruction.²⁰⁰ In 1902, the Commissioner of Indian Affairs described that to “educate the Indian is to prepare him for the abolishment of tribal relations, to take his land in severalty, and in the sweat of his brow and by the toil of his hands to carve out, as his white brother has done, a home for himself and family.”²⁰¹

The Federal Government embraced “the policy of giving to industrial training the foremost place in Indian education.”²⁰² In addition to well-documented livestock²⁰³ and poultry raising,²⁰⁴ dairying,²⁰⁵ and western agriculture production,²⁰⁶ including for sales outside the Federal Indian boarding school system,²⁰⁷ Indian children at Federal Indian boarding schools engaged in other manual labor practices including, but not limited to the following: lumbering,²⁰⁸ working on the railroad—including on the road and in car shops,²⁰⁹ carpentering,²¹⁰ blacksmithing,²¹¹ fertilizing,²¹² irrigation system development,²¹³ well-digging,²¹⁴ making furniture including mattresses,²¹⁵ tables,²¹⁶ and

²⁰⁰ ARCIA for 1902, at 3.

²⁰¹ ARCIA for 1902, at 3.

²⁰² ARCIA for 1904 at 16 (1902); but see ARCIA for 1905, at 12, 26 (recognizing the “Indian is a natural warrior, a natural logician, a natural artist” and that regarding “penmanship or drawing,” the “Indian child equals and excels the white child.”).

²⁰³ See, e.g., ARCIA for 1903, at 12.

²⁰⁴ See, e.g., ARCIA for 1884, at 200.

²⁰⁵ See, e.g., ARCIA for 1904, at 396.

²⁰⁶ See, e.g., ARCIA for 1904, at 397 (“The *system* of having *individual* garden plots for each pupil has been productive of excellent results, and has infused into the pupils a spirit of emulation and friendly rivalry which has led them to put forth their best efforts.”) (emphasis added).

²⁰⁷ See, e.g., ARCIA for 1906, at 422.

²⁰⁸ See, e.g., ARCIA for 1906, at 431; ARCIA for 1858, at 64 (describing that Winnebago “boys chopped and cleared the timber off some three acres of woodland”).

²⁰⁹ See, e.g., ARCIA for 1905, at 389.

²¹⁰ See, e.g., ARCIA for 1903, at 378–79.

²¹¹ See, e.g., ARCIA for 1903, at 378–79.

²¹² See, e.g., ARCIA for 1903, at 378–79.

²¹³ See, e.g., ARCIA for 1904, at 388; ARCIA for 1903, at 383.

²¹⁴ ARCIA for 1904, at 388.

²¹⁵ ARCIA for 1904, at 389.

²¹⁶ ARCIA for 1903, at 373.

chairs,²¹⁷ cooking,²¹⁸ laundry²¹⁹ and ironing²²⁰ services, and garment-making, including for themselves and other children in Federal Indian boarding schools. For example, the Department has acknowledged that in 1857 at the Winnebago Manual Labor Schools, Nebraska, the Winnebago “girls have made five hundred and fifty garments for themselves and the boys attending the school, and some seven hundred sacks for the use of the farm.”²²¹ The Department later acknowledged that in 1903 at the Mescalero Boarding School, New Mexico, the Mescalero Apache “boys sawed over 70,000 feet of lumber and 40,000 shingles and made upward of 120,000 brick.”²²²



SCHOOLBOYS BUTCHERING SHEEP.

223

Manual labor provided by Indian children in the Federal Indian boarding school system included provision of education services to other Indian children. Indeed, the Department “found that three the amount of [English language] drill may be secured by

²¹⁷ ARCIA for 1903, at 373.

²¹⁸ ARCIA for 1906, at 419.

²¹⁹ ARCIA for 1906, at 419.

²²⁰ ARCIA for 1896, at 171.

²²¹ ARCIA for 1858, at 64 (1858).

²²² ARCIA for 1904, at 398.

²²³ Hartog, C. (1910). Schoolboys Butchering Sheep [Photograph]. *Indian mission sketches: Descriptions and views of Navajo life, the Rehoboth Mission School and the Stations Tohatchi and Zuni*, 23. Gallup, N.M.: The Author. Hathi Trust Digital Library..

having one or two of the more advanced pupils act as teacher ... and at the same time instruction to older pupils can be given in another part of the room.”²²⁴ Congress has also codified that the “Commissioner of Indian Affairs shall employ Indian girls as assistant matrons and Indian boys as farmers and industrial teachers in all Indian schools when it is practicable to do so.”²²⁵ The manual labor practices employed in the Federal Indian boarding school system varied at end.

At the turn of the 19th century, the Department formed a uniform curriculum for the Federal Indian boarding school system.²²⁶ “The time assigned to a subject indicates its relative importance.” The prevocational division of the system refers to Grades 1-6. The vocational division refers to additional 1-4 Grades after 6 (Grades 7-10). The curriculum included that, for the prevocational division, Indian children in Grades 1-6 were assigned 4 hours to “Industrial Work.”²²⁷ The curriculum included that, for the vocational division, Indian children in Grades 1-4 (Grades 7-10) were assigned 4 hours to “Industrial Work.”²²⁸ “The course has been planned with the vocational aim very clearly, and positively dominant, with especial emphasis on agriculture and home making.”²²⁹

Later in 1928, the Department observed that whatever “may once have been the case, Indian children are now coming into the boarding schools much too young for heavy institutional labor.”²³⁰ Concerning on-reservation Federal Indian boarding schools, the Department noted “the children are conspicuously small.”²³¹ For example, the Department documented the intersection between manual labor and younger children at the Leupp Boarding and Day School, Arizona, which primarily served children from the Navajo Nation:

²²⁴ ARCIA for 1904, at 391.

²²⁵ Act of June 7, 1897, Cch. 3, § 1, 30 Stat. 83, codified at 25 U.S.C. § 274 (2020).

²²⁶ ARCIA for 1916, at 9–12.

²²⁷ ARCIA for 1916, at 13–18.

²²⁸ ARCIA for 1916, at 18–21.

²²⁹ ARCIA for 1916, at 22.

²³⁰ Meriam Report, at 375.

²³¹ Meriam Report, at 375.

[O]ne hundred of the 191 girls are 11 years of age or under. The result is that the institutional work, instead of being done wholly by able-bodied youths of 15 to 20 nominally enrolled in the early grades, has to be done, in part at least, by very small children—children, moreover, who, according to competent medical opinion, are malnourished.²³²

The Department has explained the need for Indian child manual labor in the Federal Indian boarding school system as follows:

In our Indian schools a large amount of productive work is necessary. They could not possibly be maintained on the amounts appropriated by Congress for their support were it not for the fact that students are required to do the washing, ironing, baking, cooking, sewing; to care for the dairy, farm, garden, grounds, buildings, etc.-an amount of labor that has in the aggregate a very appreciable monetary value.²³³

At the Haskell Institute, Kansas, for instance, the children were “encouraged to enjoy the work,” “the children were carefully instructed in the cultivation of strawberries, and under proper supervision were allowed to gather the fruit and enjoy strawberry suppers.”²³⁴ “If the labor of the boarding school is to be done by the pupils, it is essential that the pupils be old enough and strong enough to do institutional work.”²³⁵ The economic contribution of Indian and Native Hawaiian children to the Federal Indian boarding school system and beyond remains unknown.

²³² Meriam Report, at 375.

²³³ Meriam Report, at 376 (1928) (citing Course of Study for United States Indian Schools 1 (1922)).

²³⁴ ARCIA for 1904, at 396.

²³⁵ Meriam Report, at 375.



236



10. Federal Indian Boarding Schools and Alaska Native Villages

“If provision is made for schools [Alaska Natives] will become a valuable element in the development of a country rich in furs, fish, lumber, and minerals.”

– U.S. Department of the Interior, 1886²³⁷

The Federal Indian Boarding School Initiative investigation demonstrates that the Russian government, missionaries, and the United States established Indian boarding schools for Alaska Native children. The investigation shows that between 1819 to 1969 the United States operated or supported approximately 21 boarding schools in Alaska. Note, an individual Federal Indian boarding school may account for multiple sites.

²³⁶ Lubken, Walter J. (n.d.). [Photograph of young male students in metalworking shop at the Phoenix Indian Industrial School]. U.S. Bureau of Reclamation, Phoenix Area Office.

²³⁷ ARCIA for 1886, at LXIX.

As the Department has recognized, both the Russian-American Fur Company and the Russian government, beginning with Catharine II, Empress of Russia, established schools for Alaska Native children throughout Alaska.²³⁸ In 1793, Catharine II issued an *ukase* (edict) ordering missionaries to be sent to the North American Colony to provide education for Alaska Natives.²³⁹

As the United States later acknowledged following the acquisition of Alaska, “nearly all of them read and write ... Many of them are highly educated, even in the classics.”²⁴⁰ “The administration of the [Russian-American Fur Company] often reposed great confidence in them. One of their best physicians was an Aleutian; one of their best navigators was an Aleutian; their best traders and accountants were Aleutians.”²⁴¹

To obtain the territories that became Alaska, the United States entered into a treaty with Russia in 1867.²⁴² But the treaty did not address the land tenure of Alaska Natives, clouding title to the majority of land in Alaska deemed available.²⁴³ “The schools sustained by the Fur Company, representing the Russian Government, were disbanded.”²⁴⁴ “The schools once taught by Russian priests have one after another died.”²⁴⁵ Between 1867 and 1884, only mission schools existed in Alaska.²⁴⁶ As the Department later transmitted to Congress, the “children of those who learned to read and write in the Russian schools, deprived of schools by the neglect of the [U.S.] government, are left to grow up in ignorance.”²⁴⁷

As a result, the Department engaged and contracted with non-Federal entities to commence Indian education in Alaska.²⁴⁸ Russia transferred to the United States in 1867 “dock-yards, barracks, hospitals, ... schools,” and other buildings.²⁴⁹ This infrastructure

²³⁸ S. Ex. Doc. No. 47-30, at 2–3 (1881).

²³⁹ S. Ex. Doc. No. 47-30, at 2–3 (1881).

²⁴⁰ S. Ex. Doc. No. 47-30, at 3 (1881).

²⁴¹ Secretary of the Interior, S. Ex. Doc. No. 47-30, at 3 (1881).

²⁴² Treaty Concerning the Cession of the Russian Possessions in North America (Mar. 30, 1867), 15 Stat. 539.

²⁴³ Treaty Concerning the Cession of the Russian Possessions in North America (Mar. 30, 1867), 15 Stat. 539.

²⁴⁴ S. Ex. Doc. No. 47-30, at 3 (1881).

²⁴⁵ S. Ex. Doc. No. 47-30, at 4 (1881).

²⁴⁶ Office of the Solicitor, Department of the Interior, Federal Indian Law, at 940 (1958).

²⁴⁷ S. Ex. Doc. No. 47-30, at 4 (1881).

²⁴⁸ ARCIA for 1886, at LXIX; S. Ex. Doc. No. 47-30, at 4 (1881).

²⁴⁹ S. Ex. Doc. No. 47-30, at 13 (1881).

was predominantly used “in harmony with the government efforts at Indian education and civilization.”²⁵⁰

The Department has described the collaboration between the U.S. military and religious institutions and organizations for Indian education in Alaska. For example, at the Sitka school, including the “boarding department,” overseen by Rev. John G. Brady, Captain [H.] Glass, of the United States ship Jamestown, “from the first, with his officers, took a deep interest in the school.”²⁵¹ “In February, 1881, Captain Glass “caused the houses to be numbered, and an accurate census taken of the inmates, adults, and children.”²⁵² He then caused a tin label to be made “for each child, which was tied around the neck of the child, with his or her number, and the number of the house on it,” so that if a child was found outside of the school, the Indian policeman or teacher took the numbers on the labels and reported them.²⁵³ “The following morning the head Indian of the house to which the absentee belonged was summoned to appear and answer for the absence of the child. If the child was willfully absent, the headman was fined or imprisoned.”²⁵⁴

Early on, there was no variation in the education between Alaska Natives and non-Alaska Natives.²⁵⁵ Later, in “the act providing for a civil government in Alaska,” in 1884, Congress appropriated funds for “Indian education in Alaska.”²⁵⁶ The Nelson Act of 1905 established a dual school system in Alaska and provided in part that Alaska Native children have the right to be admitted to any Indian boarding school.²⁵⁷ The United States in turn has officially supported Alaska Native education during Alaska’s status as a U.S. territory starting in 1867 and prior to its entry into the Union.

As questions about land title to the territory emerged, the Federal officials acknowledged that “[d]ifficulties will, however, in all probability arise between the whites and our own Indians. These tribes live along the shores of the various bays, rivers, and inlets.”²⁵⁸ “To keep them in subjugation will require either the interposition of the navy,

²⁵⁰ S. Ex. Doc. No. 47-30, at 7 (1881).

²⁵¹ S. Ex. Doc. No. 47-30, at 6 (1881).

²⁵² S. Ex. Doc. No. 47-30, at 6 (1881).

²⁵³ S. Ex. Doc. No. 47-30, at 6–7 (1881).

²⁵⁴ S. Ex. Doc. No. 47-30, at 7 (1881).

²⁵⁵ Office of the Solicitor, Department of the Interior, Federal Indian Law, at 939 (1958).

²⁵⁶ ARCIA for 1886, at LXIX.

²⁵⁷ 33 Stat. L. 619, 7 codified at 48 U.S.C. § 169; see *Davis v. Sitka School Board*, 3 Alaska 481 (1908).

²⁵⁸ ARCIA for 1868, at 309.

manifested by one or more light-draught gun-boats paying periodical visits to the various villages, and inflicting summary punishment when necessary, or the constant employment of an armed quartermaster's steamer, which could probably perform such duty while transporting supposed from post to post." Federal officials accordingly recommended "that a show of military power be made at the earliest practicable moment" to select Alaska Native Villages.²⁵⁹

In 1953, when the Department invited the University of Pittsburgh to study health care in the Territory of Alaska, the resulting Parran Report found: "Few [federal Indian boarding schools] had physical facilities that could be considered modern or even desirable. Some were fire traps. Children were housed in basements and attics although legal capacity was not exceeded, in fact, crowding was commonly observed."²⁶⁰

Later, the 1958 Alaska Statehood Act authorized the burgeoning state to select over 100 million acres from Federal public lands—and again did not resolve the land tenure of Alaska Natives.²⁶¹ To face Alaska Native aboriginal territory claims, Congress enacted the Alaska Native Claims Settlement Act in 1971.²⁶² The Act extinguished claims of aboriginal title in exchange for funds and land selections by non-Tribal government Alaska Native Corporations, and further authorized the Secretary to withdraw unreserved public lands for conservation purposes.²⁶³ Congress, however, failed to authorize the withdrawals within the statutory time limit, leaving significant land tenure and jurisdiction questions unanswered. Then, in 1980, Congress enacted the Alaska National Interest Lands Conservation Act (ANILCA) to fulfill both the Alaska Statehood Act and Alaska Native Claims Settlement Act by defining the delicate balance between Federal, State, Alaska Native Village, Alaska Native Corporation, and private ownership and authority over 104 million acres of land in Alaska.²⁶⁴ While land tenure history differed for Alaska Natives, the United States applied its assimilation policy to Alaska Natives after 1905 through Indian education, including Federal Indian boarding schools.

²⁵⁹ ARCIA for 1868, at 309.

²⁶⁰ Thomas Parran, et al., *Alaska's Health: A Survey Report to the United States Department of the Interior* [hereinafter Parran Report] 193–94 (1954).

²⁶¹ Alaska Statehood Act, Pub. L. 85–508, § 4, 72 Stat. 339 (1958).

²⁶² Alaska Native Claims Settlement Act, Pub. L. 92–203, codified as amended at 43 U.S.C. §§ 1601–1629 (2020).

²⁶³ 43 U.S.C. §§ 1605, 1610–1615 (2020).

²⁶⁴ Alaska National Interest Lands Conservation Act, Pub. L. 96–487, 94 Stat. 2371, codified as amended at 16 U.S.C. §§ 3101–3233 (2020).

The Federal Indian Boarding School Initiative investigation shows that between 1819 to 1969, the United States operated or supported approximately 21 Federal Indian boarding schools in Alaska. Note, an individual Federal Indian boarding school may account for multiple sites, and an institution primarily operated or supported by a non-Federal entity could qualify as a Federal Indian boarding school, if the institution met all four required criteria as described in the sections entitled Executive Summary and Developing the Indian Boarding School List.

The Department has identified the following Federal Indian Boarding Schools in Alaska:

- 1. Anvik Mission**
- 2. Copper Valley Boarding School**
- 3. Douglas Island Friends Mission School**
- 4. Eklutna Industrial School**
- 5. First Mission House**
- 6. Fort Wrangell Tlingit Industrial School**
- 7. Friends High School**
- 8. Holy Cross Boarding School**
- 9. Jesse Lee Home for Children – Anchorage**
- 10. Jesse Lee Home for Children – Seward**
- 11. Jesse Lee Home for Children – Unalaska**
- 12. Kakanak Hospital, Orphanage, and School**
- 13. Kodiak Aleutian Regional High School**
- 14. Longwood School**
- 15. Mt. Edgecumbe Boarding School**
- 16. Nunapitsinghak Moravian Children's Home**
- 17. Seward Sanitarium**
- 18. Sitka Industrial Training School**
- 19. St. Mark's Episcopal Mission School**
- 20. St. Mary Mission School – Akulurak**

21. St. Mary Mission School – Andreasfsky

22. White Mountain Boarding School

23. William E. Beltz Boarding School

24. Woody Island Mission and Orphanage

25. Wrangell Institute

In addition to boarding schools operated or supported by the Russian government, Alaska Native Villages and their children experienced the Federal Indian boarding school system for over a century. Given the unique historical experience of Alaska Native Villages, the Federal Indian Boarding School Initiative provides an appropriate first step for intergenerational healing for Alaska Native Villages.



11. Federal Indian Boarding Schools and the Native Hawaiian Community

The Federal Indian Boarding School Initiative investigation demonstrates that missionaries, the Kingdom of Hawai‘i, and individual Native Hawaiian monarchs and royalty established boarding schools to educate Native Hawaiian children, including for assimilation and retention of culture. Some boarding schools operated throughout the Kingdom of Hawai‘i, Republic of Hawai‘i, Territory of Hawai‘i, and State of Hawai‘i. The investigation shows that between 1819 to 1969 the United States supported approximately seven boarding schools in Hawai‘i. Note, an individual Federal Indian boarding school may account for multiple sites.

The political relationship between the United States and the Native Hawaiian Community has been recognized and reaffirmed by the United States.²⁶⁵ The United States has acknowledged that “Native Hawaiians are a distinct and unique [I]ndigenous people with a historical continuity to the original inhabitants of the Hawaiian archipelago, whose society was organized as a nation and internationally recognized as a nation by the United

²⁶⁵ Doe v. Kamehameha Schools/Bernice Pauahi Bishop Estate, 470 F.3d 827, 847 (9th Cir. 2006) (en banc); see also 20 U.S.C. § 7512 (12), (13) (2020); 43 C.F.R. part 50 (2022) (Procedures for Reestablishing a Formal Government-to-Government Relationship with the Native Hawaiian Community).

States, Britain, France, and Japan, as evidenced by treaties governing friendship, commerce, and navigation.”²⁶⁶

Over nearly a century, Congress has determined repeatedly through a body of legislation that the Native Hawaiian Community is within the scope of Federal powers over Indian Affairs and with which the United States has already recognized an inherent special political and trust relationship.²⁶⁷

Under its powers over Indian Affairs, the U.S. Federal Government in Native Hawaiian relations directed and supported land acquisition and Native Hawaiian assimilation through education simultaneously.²⁶⁸

The United States has concluded that at the time of European arrival to the Hawaiian Islands “in 1778, the Native Hawaiian people lived in a highly organized, self-sufficient subsistence social system based on a communal land tenure system with a sophisticated language, culture, and religion.”²⁶⁹ In 1795, the Kingdom of Hawai‘i developed as an absolute monarchy and a “unified monarchical government of the Hawaiian Islands was established in 1810 under Kamehameha I, the first King of Hawaii.”²⁷⁰

“The 1800s are a story of increasing involvement of westerners in the economic and political affairs of the Kingdom.”²⁷¹ The United States has acknowledged “[r]ights to land became a principal concern, and there was unremitting pressure to allow non-Hawaiians to

²⁶⁶ 20 U.S.C. § 7512 (1) (2021).

²⁶⁷ Congress described this trust relationship, for example, in findings enacted as part of the Native Hawaiian Education Act, 20 U.S.C. §§ 7511–7517 (2020), and the Native Hawaiian Health Care Improvement Act, 42 U.S.C. §§ 11701–11714 (2020). Those findings observe that “[t]hrough the enactment of the Hawaiian Homes Commission Act, 1920, Congress affirmed the special relationship between the United States and the Native Hawaiians,” 20 U.S.C. 7512(8) (2020); see also 42 U.S.C. 11701(13), (14) (2020) (citing earlier laws conferring leasing and fishing rights on Native Hawaiians). Congress then “reaffirmed the trust relationship between the United States and the Hawaiian people” in the Hawaii Admission Act, 20 U.S.C. § 7512(10) (2020); accord 42 U.S.C. § 11701(16) (2020). Since then, “the political relationship between the United States and the Native Hawaiian people has been recognized and reaffirmed by the United States, as evidenced by the inclusion of Native Hawaiians” in at least ten statutes directed in whole or in part at American Indians and other native peoples of the United States such as Alaska Natives. 20 U.S.C. § 7512(13) (2020); see also 42 U.S.C. § 11701(19), (20), (21) (2020) (listing additional statutes).

²⁶⁸ 43 C.F.R. § 50 (2016); S. Rep. No. 111–162 at 1, 4–7, 9–13 (2010); U.S. Department of Justice & U.S. Department of the Interior, Rep. on the Reconciliation Process Between the Fed. Government and Native Hawaiians 1, 23–25, 29–40 (2000) [hereinafter Reconciliation Report].

²⁶⁹ 20 U.S.C. § 7512 (2) (2020).

²⁷⁰ 20 U.S.C. § 7512 (3) (2020).

²⁷¹ *Rice v. Cayetano*, 528 U.S. 495, 501 (2000).

use and to own land and to be secure in their title.”²⁷² From 1820 to 1850, the Kingdom transformed the communal land tenure system to a private land ownership system following pressure from the United States and European nations which “wanted stable land ownership to permit long-term leasing and outright land ownership for large-scale agricultural ventures.”²⁷³

At the same time, non-Federal entities supported assimilation of Native Hawaiians. Between 1819 and 1847, the American Board of Commissioners for Foreign Missions (ABCFM), which received Federal support through the Indian Civilization Fund Act of 1819, sent 12 missionary companies to Hawai‘i to promote Calvinism and claimed civilized practices.²⁷⁴ ABCFM mandated the first company as follows: “You are to aim at nothing short of covering those islands with fruitful field and pleasant dwellings and schools and churches, and of raising up a whole people to an elevated state of Christian civilization.”²⁷⁵ The missionaries built schools to reduce the Native Hawaiian language (‘Ōlelo Hawai‘i) to writing, teach Native Hawaiians to read and write, and promote Christian conversion.²⁷⁶ As the U.S. Supreme Court has noted, “They sought to teach Hawaiians to abandon religious beliefs and customs that were contrary to Christian teachings and practices.”²⁷⁷

Soon after, in 1826, Ka‘ahumanu, the Queen Regent, negotiated the first treaty with the United States, settling debts and granting it permission to use Hawaiian ports.²⁷⁸ As Congress has proclaimed, between 1826 to 1893, “the United States recognized the sovereignty and independence of the Kingdom of Hawaii, ... extended full and complete diplomatic recognition to the Kingdom of Hawaii, and entered into treaties and conventions

²⁷² Id.

²⁷³ Reconciliation Report at 25.

²⁷⁴ Hawaiian Mission Children’s Society, *Portraits of American Protestant Missionaries to Hawaii* (1901).

²⁷⁵ American Board of Commissioners for Foreign Missions, *Instructions of the Prudential Committee of the American Board of Commissioners for Foreign Missions to the Sandwich Islands Mission*, at 27 (1838).

²⁷⁶ Larry K. Kimura and William Wilson, U.S. Dept. of Interior, Native Hawaiians Study Commission. Report on the Culture, Needs and Concerns of Native Hawaiians Pursuant to Public Law 96-565, Title III, Vol. I, at 196 (1983)1 Native Hawaiians Study Commission Minority Report, 196 (U.S. Dept. of Interior 1983)

²⁷⁷ *Rice v. Cayetano*, 528 U.S. 495, 501 (2000).

²⁷⁸ H. Exec. Doc. 53-1, *Foreign Relations of the United States, 1894, App. II, Affairs in Hawaii, Treaty of Friendship, Commerce, and Navigation Between the United States and the Sandwich Islands (Hawaii)* (Dec. 23, 1826).

with the Kingdom of Hawaii to govern friendship, commerce[,] and navigation in 1826, 1842, 1849, 1875, and 1887.”²⁷⁹

By the end of the 1820s, the majority of the adult Native Hawaiian population attended missionary schools.²⁸⁰ The missionaries in 1831 then established a teacher training school at Lahainaluna, Maui.²⁸¹ The Lahainaluna Seminary trained young Native Hawaiians to teach other Native Hawaiians to read, write, and embrace Christianity.²⁸² In 1834, the school began to accept boarding students.²⁸³ The missionaries in 1834 also supplied a printing press and printed school primers, catechisms, and the Bible in ‘Ōlelo Hawai‘i for distribution among newly literate Native Hawaiians.²⁸⁴

In 1836, the missionaries formed the Hilo Boarding School for Native Hawaiian male children.²⁸⁵ “From the first, religious instruction, practical farming, and the mechanical skills of the time were dominating elements of the curriculum.”²⁸⁶ The Charter of the Hilo Boarding School, created in 1848, required schooling of Native Hawaiian male children in the various branches of Christian living and teaching of sound, useful knowledge, coupled with manual labor to promote good citizenship training.²⁸⁷ The Department has described that the School “served well in the early days in educating leaders among the Hawaiian race, producing what was most needed among them, teachers, preachers, and intelligent agriculturists and homemakers.”²⁸⁸ The Department has also assessed the connections between other boarding schools: The Hilo Boarding School “served as a feeder for Lahainaluna Seminary which was then a higher school for the training of native preachers and missionaries.”²⁸⁹

²⁷⁹ 20 U.S.C. § 7512 (4) (2020).

²⁸⁰ Benjamin O. Wist, *A Century of Public Education in Hawaii* (1940) [hereinafter Wist].

²⁸¹ Department of the Interior, Bureau of Education Bulletin No. 16, *A Survey of Education in Hawaii*, at 95 (1920) [hereafter *Survey of Education*].

²⁸² Wist, at 90.

²⁸³ Wist, at 90.

²⁸⁴ Linda K. Menton, *A Christian and “Civilized” Education: The Hawaiian Chiefs’ Children’s School, 1839-50*, 32 *Hist. of Educ. Q.*, 213 (1992) [hereinafter Menton].

²⁸⁵ *Survey of Education*, at 347.

²⁸⁶ *Survey of Education*, at 347.

²⁸⁷ Hilo Boarding School Charter (June 2, 1848).

²⁸⁸ *Survey of Education*, at 347.

²⁸⁹ *Survey of Education*, at 347.

For operation, the Hilo Boarding School relied on student manual labor, including for agriculture. As such, it was cautious to admit male children younger than age 10 or 12.²⁹⁰ “It has always been predominately an industrial school and the labor of the pupils themselves has been a large factor in building up the plant, developing the farm[,] and maintaining the subsistence department.”²⁹¹

In 1900, the Hilo Boarding School established a “pupil government” including a judiciary body composed of child magistrates to distribute penalties to other children for school regulation violations and military discipline.²⁹² In 1910, the School instituted a military regimen including uniforms, drills, and rifles.²⁹³ As the Department has acknowledged, the Hilo Boarding School “is conducted largely on a military basis, drill instruction, and daily routine being made regular features of the boys’ life in the school.”²⁹⁴ The “military regimen proves to be of great assistance in the formation of right habits and ideals. It is a most important aid in maintaining good discipline and morale, and instilling loyalty to the school and the Nation.”²⁹⁵

The daily schedule at the Hilo Boarding School remained largely unchanged from its opening to its closing as a school in 1925. Original records document the daily schedule as follows:

A.M.	5:20	Rising Bell
	5:35–6:25	Study Hour
	6:30	Breakfast
	7:00–8:20	Work Hour
	8:20	Dispensary
	8:40	Inspection of Rooms
	8:50–12:00	School
P.M.	12:00–1:00	Lunch
	1:00–4:00	Work Hour or Shop
	4:15–5:15	Drill (Tuesdays)
	5:45	Supper

²⁹⁰ Letter from David B. Lyman, Hilo to R. Anderson, (Nov. 15, 1840), at 18–19.

²⁹¹ Survey of Education, at 348.

²⁹² Catalogue of the Hilo Boarding School for boys, Hilo, Hawaii, H.T. 1920–1921, at 12 (1920).

²⁹³ Catalogue of the Hilo Boarding School for boys, Hilo, Hawaii, H.T. 1920–1921, at 20 (1920).

²⁹⁴ Survey of Education, at 349.

²⁹⁵ Survey of Education, at 349.

7:15	Chapel
7:20–8:30	Study Hour
8:45	Taps

On Sundays, the male children were permitted to rise at 7:00 a.m.²⁹⁶ The newly educated teachers from Lahainaluna Seminary and Hilo Boarding School were charged to establish new mission schools throughout the Hawaiian Islands.

In 1840, King Kamehameha III developed a Bill of Rights providing for a ‘Ōlelo Hawai‘i-based public school system, making education a Kingdom responsibility instead of a missionary one.²⁹⁷ By 1848, over 200 schools operated in the Kingdom of Hawai‘i.²⁹⁸

King Kamehameha III also created the Chiefs’ Children’s School, also known as the Royal School, to train future monarchs of the Kingdom of Hawai‘i.²⁹⁹ Maintained by missionaries, Native Hawaiian children were segregated by gender in the School, which was a change from Native Hawaiian culture and practices, and disciplinary practices included food denial and corporal punishment.³⁰⁰ “When we thought the case demanded it we have not hesitated to use the rod, taking them alone and conversing with them awhile before we applied it and the result has generally been a happy one.”³⁰¹

The Department has recognized that by 1850, the well-being of Native Hawaiians was diminishing: “With the rapid development of the sugar industry, which set in strongly about the middle of the [18th] century, and in view of the steadily and rapidly decreasing native population, it became evident that a supply of new and cheap labor must be found.”³⁰²

²⁹⁶ Catalogue of the Hilo Boarding School for boys, Hilo, Hawaii, H.T. 1920–1921, at 26 (1920).

²⁹⁷ See Translation of the Constitution and Laws of the Hawaiian Islands, Established in the Reign of Kamehameha III, at 40–43 (1842).

²⁹⁸ Richard Armstrong, Journal of a Tour – Around the Windward Islands, Hawaii, Maui and Molokai, in the Months of September, October, November, 1848 (1848).

²⁹⁹ Menton, at 213–242.

³⁰⁰ Menton, at 213–242.

³⁰¹ Menton, at 228 (citing Report of the Chiefs’ Children’s School (1841)).

³⁰² Survey of Education, 9.

So “her own people”³⁰³ could once again thrive, the last direct descendant of King Kamehameha I, Princess Bernice Pauahi Bishop, in 1883 left her estate in “trust for a school dedicated to the education and upbringing of Native Hawaiians.”³⁰⁴ Princess Bernice Pauahi Bishop’s will provided for the construction and maintenance of “two schools, each for boarding and day scholars, one for boys and one for girls,”³⁰⁵ “in the Hawaiian Islands, called the Kamehameha Schools, on the Hawaiian monarchy’s ancestral lands,”³⁰⁶ with the purpose of providing “a good education in the common English branches, and also instruction in morals and in such useful knowledge as may tend to make good and industrious men and women.”³⁰⁷

In 1888, the Kamehameha School for Boys incorporated a military training program, which the War Department recognized as a military school in 1910.³⁰⁸ Between 1916 and 2002, under the National Defense Act, Kamehameha Schools participated in the Reserve Officers Training Corp and Junior Reserve Officers Training Corp programs.³⁰⁹ From 1935 to the early months of World War II, the United States recruited attendees and graduates of the Kamehameha School for Boys to colonize the Howland, Baker, and Jarvis Islands, first through the Department of Commerce until jurisdiction was transferred to the Department.³¹⁰ The Kamehameha Schools continue to benefit Native Hawaiian education today.

Although the ‘Ōlelo Hawai‘i-based public school system initially operated using only the Hawaiian language, it eventually repressed ‘Ōlelo Hawai‘i in education by promoting English.³¹¹ By 1888, only 16 percent of children were taught in Hawaiian.³¹²

³⁰³ Doe v. Kamehameha Schools/Bernice Pauahi Bishop Estate, 470 F.3d 827, 831 (9th Cir. 2006) (en banc) (citing Charles R. Bishop, *The Purpose of the Schools*, at 3 (1889)).

³⁰⁴ Doe v. Kamehameha Schools/Bernice Pauahi Bishop Estate, 470 F.3d 827, 831 (9th Cir. 2006) (en banc).

³⁰⁵ Will of Bernice Pauahi Bishop (Oct. 31, 1883), in *In re Estate of Bishop*, Probate No. 2425 (Haw. Sup. Ct. 1884).

³⁰⁶ Doe v. Kamehameha Schools/Bernice Pauahi Bishop Estate, 470 F.3d 827, 831 (9th Cir. 2006) (en banc).

³⁰⁷ Will of Bernice Pauahi Bishop (Oct. 31, 1883), in *In re Estate of Bishop*, Probate No. 2425 (Haw. Sup. Ct. 1884).

³⁰⁸ The Adjutant General’s Off., *The War Department, Officers of the Army of the U.S.*, Oct. 20, 1910, at 80 (1910).

³⁰⁹ War Department Appropriation Bill for 1932, *Military Activities: Hearings before the Subcommittee of House Committee on Appropriations*, 71st Cong. 936, 940 (1930).

³¹⁰ S. Res. 114-109 (2015) (enacted).

³¹¹ 81 Fed. Reg. 71,280 (Oct. 14, 2016); *Reconciliation Report*, at 29.

³¹² *Native Hawaiian Law: A Treatise*, (MacKenzie, Serrano, et al. eds.), at 1261 (2015).

In 1891, when crowned, Queen Lili‘uokalani advanced the Kingdom, seeking to reduce control and influence by U.S. and European sugar planters, missionaries, and business interests over it.³¹³ Then, as the United States has recognized, in 1893, the “sovereign, independent, internationally recognized, and [I]ndigenous government of Hawaii, the Kingdom of Hawaii, was overthrown by a small group of non-Hawaiians, including United States citizens, who were assisted in their efforts by the United States Minister, a United States naval representative, and armed naval forces of the United States.”³¹⁴ As President Cleveland noted, “it appears that Hawaii was taken possession of by the United States forces without the consent or wish of the government of the islands, or of anybody else so far as shown, except the United States Minister.”³¹⁵ “United States agents and citizens” participated in deposing Queen Lili‘uokalani, and non-Native Hawaiians established the Republic of Hawai‘i in 1894.³¹⁶

The United States has further recognized the resulting deliberate policy to suppress ‘Ōlelo Hawai‘i:

Following the overthrow of the Kingdom of Hawaii in 1893, Hawaiian medium schools were banned. After annexation, throughout the territorial and statehood period of Hawaii, and until 1986, use of the Hawaiian language as an instructional medium in education in public schools was declared unlawful. The declaration caused incalculable harm to a culture that placed a very high value on the power of language, as exemplified in the traditional saying: “I ka ‘o^o lelo no^o ke ola; I ka ‘o^o lelo no^o ka make. In the language rests life; In the language rests death.”³¹⁷

For over a century, the various governments controlling the Hawaiian Islands banned ‘Ōlelo Hawai‘i and required the use of the English language in public education, coinciding with additional land acquisition by the United States of the Hawaiian Islands.

³¹³ Reconciliation Report, at 26, 27.

³¹⁴ 20 U.S.C. § 7512 (5) (2020).

³¹⁵ S. Rep. No. 103–126, at 1, 27–28 (1993) (quoting President Cleveland’s Message Relating to the Hawaiian Islands—December 18, 1893).

³¹⁶ 20 U.S.C. § 7512 (5) (2020); Reconciliation Report, at 29.

³¹⁷ 20 U.S.C. § 7512 (19) (2015).

As the United States codified, in 1898, the “Joint Resolution to provide for annexing the Hawaiian Islands to the United States,” “ceded absolute title of all lands held by the Republic of Hawaii, including the government and crown lands of the former Kingdom of Hawaii, to the United States,”³¹⁸ totaling 1.8 million acres.³¹⁹ The Joint Resolution notably “mandated that revenue generated from the lands be used ‘solely for the benefit of the inhabitants of the Hawaiian Islands for *educational* and other public purposes.’”³²⁰ The United States in turn officially supported Native Hawaiian education prior to Hawaii’s status as a U.S. territory and state.³²¹

Congress in 1900 enacted The Hawaiian Organic Act, establishing the Territory of Hawai‘i, extending the U.S. Constitution to Hawai‘i, placing ceded lands under Federal control and directing the use of proceeds from those lands to benefit the inhabitants of Hawai‘i.³²² By 1902, the Territory replaced the ‘Ōlelo Hawai‘i-based public school system with 203 English-required schools and instituted discipline practices for speaking ‘Ōlelo Hawai‘i.³²³ “[T]he extraordinary feature of the Hawaiian educational plan is that, in a land far removed in the Pacific, it did become typically American, and that the transformation was achieved even before the Islands themselves became American soil.”³²⁴

In 1959, when the United States admitted the State of Hawai‘i into the Union, it also reaffirmed the trust relationship between the United States and the Native Hawaiian Community.³²⁵ It did so in part by retaining exclusive power to enforce the Ceded Land Trust and Hawaiian Home Lands Trust, including to ensure “proceeds from the sale or other disposition of any such lands and the income therefrom, shall be held by said State as a public trust for the support of the public schools and other public educational institutions, for the betterment of the conditions of native Hawaiians.”³²⁶ The United States therefore officially supported Native Hawaiian education following the statehood of Hawai‘i.

³¹⁸ 20 U.S.C. § 7512 (6) (2020).

³¹⁹ 81 Fed. Reg. 71,280 (Oct. 14, 2016).

³²⁰ 20 U.S.C. § 7512 (6) (2020) (emphasis added).

³²¹ 20 U.S.C. § 7512 (6) (2020).

³²² Act of April 30, 1900, Ch. 339, 31 Stat. 141.

³²³ Paul F. Nahoia Lucas, E Ola Mau Kākou I Ka ‘Ōlelo Makuahine: Hawaiian Language Policy and the Courts, 34 Haw. J. Hist. 1, 12 (2000).

³²⁴ Wist, B. Othello. (1940). A century of public education in Hawaii. [Honolulu]: The Hawaii educational review.

³²⁵ 20 U.S.C. § 7512 (10), (11) (2020).

³²⁶ Act of March 18, 1959, Pub. L. 86–3, § 5, 73 Stat. 4, 6.

After statehood of Hawai‘i, the United States as part of Native Hawaiian relations also supported established missionary and other boarding schools for Native Hawaiians.

The Federal Indian Boarding School Initiative investigation shows that between 1819 to 1969 the United States supported approximately seven boarding schools in the Hawaiian Islands. Note, an individual Federal Indian boarding school may account for multiple sites and an institution primarily operated or supported by a non-Federal entity could qualify as a Federal Indian boarding school, if the institution met all four required criteria as described in the sections entitled Executive Summary and Developing the Indian Boarding School List.

The Department has identified the following Federal Indian Boarding Schools in the Hawaiian Islands:

1. **Hilo Boarding School**
2. **Industrial and Reformatory School (Kawailou)**
3. **Industrial and Reformatory School (Keoneula, Kapalama)**
4. **Industrial and Reformatory School (Waialeale, Waialua)**
5. **Industrial and Reformatory School for Girls (Keoneula, Kapalama)**
6. **Industrial and Reformatory School for Girls (Maunawili, Ko‘olaupoko)**
7. **Industrial and Reformatory School for Girls (Mo‘ili‘ili, Honolulu)**
8. **Kamehameha Schools**
9. **Lahainaluna Seminary**
10. **Mauna Loa Forestry Camp School**
11. **Molokai Forestry Camp School**

Today, the United States has held that the “long-standing policy of the United States has been to protect and advance Native Hawaiian interests. Native Hawaiians continue to suffer the consequences of the 1893 overthrow of their [I]ndigenous government,” including higher poverty rates and lower incomes than non-Native Hawaiians in Hawaii.³²⁷ As Congress expressed in the Joint Resolution to Acknowledge the 100th Anniversary of the Overthrow of the Kingdom of Hawaii, a commitment to acknowledge the ramifications

³²⁷ S. Rep. No. 111-162, at 2 (2010).

of past Federal actions is necessary to provide the proper foundation for reconciliation between the United States and the Native Hawaiian Community.³²⁸ The Federal Indian Boarding School Initiative provides a proper first step for intergenerational healing from the effects of Federal Indian boarding schools in the Native Hawaiian Community.



12. Federal Indian Boarding Schools and Freedmen

The Department also recognizes the inclusion of select non-Indians in the Federal Indian boarding school system, given the established association of certain Freedmen with the Five Civilized Tribes or because schools accepted both Indians and non-Indians, including because of Federal legislation.³²⁹

Following President Lincoln’s Emancipation Proclamation in 1863 and the end of the Civil War in 1865, emancipated African Americans were referred to as “Freedmen.” From 1865 to 1872, the Federal Bureau of Refugees, Freedmen, and Abandoned Lands—commonly referred to as the Freedmen’s Bureau—supervised all relief and educational activities relating to Freedmen, including issuing rations, clothing, and medicine.³³⁰ The Freedmen’s Bureau recruited teachers and worked with non-Federal entities to establish schools and develop educational opportunities for the Freedmen.³³¹

Some people from the Five Civilized Tribes, including the Cherokee Nation, Chickasaw Nation, Choctaw Nation, Muscogee (Creek) Nation, and Seminole Nation, had enslaved people before the United States forced the removal of the Tribes to the Indian Territory in present-day Oklahoma.³³² The Five Civilized Tribes continued to hold enslaved people in the Indian Territory until 1866 when they executed treaties with the United States that required the Tribes to free their enslaved people.³³³ The Freedmen’s

³²⁸ Pub. L. 103-150, 107 Stat. 1510 (1993).

³²⁹ *See, e.g.*, ARCIA for 1903, at 76–82.

³³⁰ National Archives and Records Administration, The Freedmen’s Bureau, Records of the Federal Bureau of Refugees, Freedmen, and Abandoned Lands.

³³¹ Robert D. Parment, Schools for the Freedmen, 34 Negro Hist. Bull. 128 (1971).

³³² Michael F. Doran, Negro Slaves of the Five Civilized Tribes, 68 Annals Ass’n Am. Geographers 335 (1978).

³³³ Treaty with Choctaw and Chickasaw, Apr. 28, 1866, 14 Stat. 769; Treaty with the Creeks, June 14, 1866., 14 Stat. 785; Treaty with the Seminole, July 19, 1866, 14 Stat. 755; Treaty with the Cherokee, July 27, 1866, 14 Stat. 799.

Bureau operated in the Indian Territory until and just after the treaties were executed in 1866.³³⁴

Efforts to educate Freedmen associated with the Five Civilized Tribes after 1866 originated with each of the Five Civilized Tribes but differed in rates of establishment and number of schools, most of which were lacking in resources and adequate facilities.³³⁵ In some cases, the Tribes already had established educational systems for their children, which then accommodated Freedmen.³³⁶ In those cases, the Freedmen's schools were typically built as stand-alone segregated schools.

Some of the Freedmen's schools were connected to existing Indian boarding schools. For example, the Creek Nation opened the Tullahassee School in 1850 for Indian children as a boarding school.³³⁷ After a fire destroyed the building, the school reopened in 1883 as the Tullahassee Manual Labor School with the cooperation of the Baptist Home Mission Society and the Creek Freedmen and their descendants.³³⁸ The government provided funds to the school and controlled it from 1908 to 1914, after which Wagoner County operated it until 1924 as a school for African Americans in Oklahoma.³³⁹

³³⁴ Carol Sue Humphrey, Freedmen Schools, in *The Encyclopedia of Oklahoma History and Culture*; Donald A. Grindle, Jr., & Quintard Taylor, *Red vs Black: Conflict and Accommodation in the Post Civil War Indian Territory, 1865-1907*, 8 *Am. Indian Q.* 216, 211–229 (1984).

³³⁵ Grindle & Taylor, at 216; ARCIA for 1903, at 76–82; ARCIA for 1900, at 112, 115, 116; ARCIA for 1887, at LXII – LXIII.

³³⁶ Grindle & Taylor, at 216.

³³⁷ Board of Foreign Missions of the Presbyterian Church in the U.S., *Forty-first Annual Rep.* 6 (1882).

³³⁸ ARCIA for 1889, at 206; Bd. of Foreign Missions of the Presbyterian Church in the U.S., *Forty-first Annual Rep.* 9, 10 (1882).

³³⁹ Rep. of the Department of the Interior, 350 (1907).



13. Other Types of Schools

In addition to schools for the Freedmen of the Five Civilized Tribes, the Department acknowledges that other schools had combined enrollments of Indian, African American, White, and Hispanic students.

For example, in 1878, the government took a party of newly released Indian prisoners of war from Fort Marion in St. Augustine, Florida, to the Hampton Normal and Agricultural Institute in Virginia to receive an education.³⁴⁰ These represented the first Indian students at Hampton, initiating an Indian education program that lasted until 1923. From 1878 to 1912, the government provided an annual payment of \$167 per Indian student for board and clothing at Hampton.³⁴¹ Between 1878 and 1923, approximately 1,388 Indian students representing 65 Indian Tribes attended the school.³⁴² The Hampton Normal and Agricultural Institute eventually became Hampton University, a private institution designated today as a Historically Black College or University.

In other cases, the Federal Government funded schools for Indian students that later admitted non-Indian students. For example, in 1888, the Catholic Church established the St. Boniface Indian School in Banning, California because of its proximity to several Indian reservations in southern California.³⁴³ At-risk White, Hispanic, and African American children also attended the school until it closed in the 1970s.

³⁴⁰ The Hampton Normal and Agricultural Institute, *The Work of Hampton*, 3 (1905); ARCIA for 1878, at XLIII.

³⁴¹ The Hampton Normal and Agricultural Institute, at 15.

³⁴² Paulette Fairbanks Molin, *Training the Hand the Head and the Heart: Indian Education at Hampton Institute*, 51 *Minn. Hist.* 84, 82–98 (1998).

³⁴³ R. Bruce Harley, *The Founding of St. Boniface Indian School, 1888-1890*, Vol. 81., No. 4, *S. Cal. Q.*, Winter, 1999, 449–466 (1999); *Precious Blood School, 1953-2008, Over 50 Years of Hope*.



344



14. Federal Indian Boarding School List

Through the Federal Indian Boarding School Initiative, the Department details the first official list of Federal Indian boarding schools operated or supported by the United States. Under its Memorandum of Understanding with NABS, the Department cross-referenced its list with that of NABS to secure comprehensive identification of schools in the Federal Indian boarding school system. Each site met the four required criteria: (1) housing, (2) education, (3) Federal support, and (4) timeframe. The list details that the Department operated or supported 408 Federal Indian boarding schools across 37 states or then-territories, including 21 schools in Alaska and 7 schools in Hawaii. Given that an individual Federal Indian boarding school may account for multiple sites, the 408 Federal Indian boarding schools comprised 431 specific sites.

³⁴⁴ Johnston, F.B., *Hampton Institute, Va. – Indian orchestra*. [Photograph]. (1899 or 1900). Johnston, Frances Benjamin, 1864-1952. Hampton Normal and Agricultural Institute, Hampton, Virginia, Library of Congress Prints and Photographs Division Washington, D.C..

The official list of Federal Indian boarding schools, organized by state (or then-territory) is provided in **Appendix A**. The overview of Federal Indian boarding schools by state is as follows:

Alabama - 1

Alaska - 21

Arizona - 47

Arkansas - 1

California - 12

Colorado - 5

Connecticut - 0

Delaware - 0

Florida - 1

Georgia - 2

Hawaii - 7

Idaho - 6

Illinois - 2

Indiana - 2

Iowa - 3

Kansas - 12

Kentucky - 1

Louisiana - 0

Maine - 0

Maryland - 0

Massachusetts - 0

Michigan - 5

Minnesota - 21

Mississippi - 7

Missouri - 2

Montana - 16

Nebraska - 9

Nevada - 3

New Hampshire - 0

New Jersey - 0

New Mexico - 43

New York - 3

North Carolina - 4

North Dakota - 12

Ohio - 0

Oklahoma - 76

Oregon - 9

Pennsylvania - 3

Rhode Island - 0

South Carolina - 0

South Dakota - 30

Tennessee - 1

Texas - 0

Utah - 7

Vermont - 1

Virginia - 1

Washington - 15

West Virginia - 0

Wisconsin - 11

Wyoming - 6

Summaries for each Federal Indian boarding school are provided in **Appendix B**. The data captured in each summary where confirmed includes the following information:

- **School Name**³⁴⁵
- **Possible Other Name(s)**³⁴⁶
- **Associated School(s)**³⁴⁷
- **School Address**
- **Years of Operation (Start Date and End Date)**³⁴⁸
- **Currently Operating**
- **Federal Indian Boarding School Definition Criteria (Housing, Education, Federal Support, Timeframe)**
- **School Type**
- **General Notes**

As the investigation continues, the Department recognizes the number of Federal Indian boarding schools may change.

³⁴⁵ In either this category or in the “Possible Other Name(s)” category, an [*] denotes the current name of a school still in operation.

³⁴⁶ Includes other names the school was known by or other name variations found in various reports; some variations appear to be clear typographical and, or spelling errors.

³⁴⁷ An associated school is typically where the same school moved locations and either changed operators or changed name.

³⁴⁸ May include “as early as” or “as late as” where the date is not a definitive open or closing date, but rather the earliest or latest reference found for the school. Occasionally the date indicates “circa” for estimated dates.



349



15. Marked and Unmarked Burial Sites Across the Federal Indian Boarding School System

The Federal Indian Boarding School Initiative investigation includes identifying the location of marked and unmarked burial sites across the Federal Indian boarding school system, which may later be used to assist in locating unidentified remains of American Indian, Alaska Native, and Native Hawaiian children. This investigation component will provide a basis for the Department to plan future sitework, including protection of burial sites and potential repatriation or disinterment of remains of children, under Federal law, including NAGPRA, and in coordination with sister Federal agencies as relevant.

The identification of marked and unmarked burial sites across the Federal Indian boarding school system remains ongoing. The Department faced several limitations to complete this aspect of the investigation, including budget and appropriations restrictions, limits within the current year's budget related to appropriations as part of the continuing resolution process, and COVID-19 pandemic restrictions affecting access to physical records locations. Research limitations included (1) inconsistent Federal reporting of child deaths, including the number and cause or circumstances of death, and burial sites and (2) certain potentially relevant records are in the control of other Federal agencies and, or non-Federal entities.

³⁴⁹ Lubken, Walter J. (n.d.). [Photograph of teacher and young female students seated with sewing machines in classroom at the Phoenix Indian Industrial School]. U.S. Bureau of Reclamation, Phoenix Area Office.

To date, across the Federal Indian boarding school system, the Department investigation has identified approximately 53 marked or unmarked burial sites. As the investigation continues, the Department expects the number of sites to increase. The composition of approximate identified burial sites is as follows:

- Unmarked burial sites – 6
- Marked burial sites – 33
- Both marked and unmarked burial sites present at a school location – 14

For the Federal Indian Boarding School Initiative investigation, the Department is recruiting staff with the requisite skill sets—including Federal Indian law and policy and history and community knowledge—to identify additional locations of marked and unmarked burial sites across the Federal Indian boarding school system.



350

³⁵⁰ Department of the Interior, Bureau of Indian Affairs, Albuquerque Indian School, 1947-ca. 1964 (most recent creator). (ca. 1885). Albuquerque Indian School in 1885, Relocated from Duranes to Albuquerque in 1881 [Photograph]. National Archives (292865)].



16. Other Indian Institutions

The Federal Indian Boarding School Initiative is identifying Indian boarding schools that received Federal oversight or support. In its investigation, the Department identified approximately 500 Indian boarding schools and classified a subset of those schools as Federal Indian boarding schools. Outside the scope of the investigation, the Department also identified over 1,000 other Federal and non-Federal institutions, including Indian day schools, sanitariums, asylums, orphanages, and stand-alone dormitories. Some of the other aforementioned institutions may have involved education of Indian people, mainly Indian children.

As part of this investigation, when one of the four required criteria was not met for a specific institution, that institution was removed from the list of Federal Indian boarding schools and classified as an “other institution.” The Department did not conduct final quality control for the list of other institutions.



17. Legacy Impact of the Indian Boarding School System



351

³⁵¹ *Blindfolded children stacking blocks at the Fort Yuma Indian Boarding School* [Photograph]. (n.d.). Fort Yuma Quechan Indian Tribe Photo Gallery, Ft Yuma Indian School Collection.

As the Federal Indian boarding school system operated for over a century and a half, the Department identifies the watershed Running Bear studies, quantitative research based on now-adult Federal Indian boarding school attendees' medical status, that indicate the Indian boarding school system continues to impact the present-day health of Indians who participated in the studies. These results verify the need for a comprehensive examination and report by an independent research group to assess the current impacts that Indian boarding schools have had on American Indians, Alaska Natives, and Native Hawaiians, including health, education, and economic status.³⁵² A comprehensive analysis of the Federal Indian boarding school system will inform future Federal Indian law and policy changes in health care, education, and economic development.

Indian childhood experiences in Indian boarding schools, “at a minimum, the separation from family,” contributed to poor health impacts on child attendees as adults.³⁵³ The Running Bear studies, funded by the National Institutes of Health (NIH), are the first medical studies to systematically and quantitatively examine the relationship between American Indian boarding school child attendance and physical health status, the number of physical health conditions diagnosed by a medical doctor, and specific chronic health conditions, while also controlling for parental attendance in a large sample. The “[c]ombined direct and indirect results (beta = $-.39$, CI = -1.20 , $.42$) show American Indians who attended boarding school have lower physical health status (beta = -1.22 , CI = -2.18 , $-.26$, $p \leq .01$) than those who did not.”³⁵⁴ Indian boarding school child attendees had a 44 percent greater count of past-year chronic physical health problems (PYCPHP) as adults compared with adult nonattendees.³⁵⁵ Now-adult attendees were more likely to have cancer (more than three times), tuberculosis (more than twice), high cholesterol (95 percent), diabetes (81 percent), anemia (61 percent), arthritis (60 percent), and gall bladder disease (60 percent) than nonattendees.³⁵⁶ Other studies demonstrate that now-adult

³⁵² See, e.g., Kathryn E. Fort, *American Indian Children and the Law* 8 (Carolina Academic Press, 2019) (“Training for jobs that didn’t exist left many young adults with an inability to gain employment in the newly industrialized American society. The tribal society that many young adults returned to was unrecognizable due to removal, relocation, and federal policies of allotment. The resulting poverty of American Indian families was used as a justification for removing Native children from their homes.”).

³⁵³ Maria Yellow Horse Brave Heart, *The Historical Trauma Response Among Natives and Its Relationship with Substance Abuse: A Lakota Illustration*, 35 *J. of Psychoactive Drugs* 1, 7–13 (2003).

³⁵⁴ Ursula Running Bear et al., *Boarding School Attendance and Physical Health Status of Northern Plains Tribes*, 13 *Applied Res. in Qual. of Life* 633 (2018).

³⁵⁵ Ursula Running Bear et al., *The Impact of Individual and Parental American Indian Boarding School Attendance on Chronic Physical Health of Northern Plains Tribes*, 42 *Fam. Community Health* 1, 3–4 (2019).

³⁵⁶ *Id.* at 5.

attendees experience increased risk for PTSD, depression, and unresolved grief.³⁵⁷ As a result, a “prevailing sense of despair, loneliness, and isolation from family and community are often described.”³⁵⁸

“Both individual and paternal boarding school attendance are associated with chronic health problems” of now-adult Indian boarding school attendees.³⁵⁹ A father’s boarding school attendance was independently associated with chronic physical health problems.³⁶⁰ Participants whose fathers attended Indian boarding school had on average a 36 percent greater PYCPHP count than those whose fathers did not attend boarding school.³⁶¹ When controlling for maternal and paternal boarding school attendance, only a father’s attendance was related to an increased number of PYCPHP in adulthood, suggesting that a father’s Indian boarding school attendance is an *independent* predictor of his child’s adult PYCPHP.³⁶² Previous research has noted that American Indian men experienced more physical and sexual abuse in boarding school than women, particularly those more “language-experienced.”³⁶³ The increased trauma that men faced in the Indian boarding school system may have produced increased stress, which then may affect the biological systems of the body.³⁶⁴ These stressors may then introduce epigenetic alterations that are then transferred to their children, also known as epigenetic inheritance.³⁶⁵

In the Running Bear studies, American Indian child attendees “punished for the use of language and who were also 8 years or older when attendance began reported the lowest

³⁵⁷ Maria Yellow Horse Brave Heart, The Historical Trauma Response Among Natives and Its Relationship with Substance Abuse: A Lakota Illustration, 35(1) J. of Psychoactive Drugs 1, 7–13 (2003).

³⁵⁸ Ursula Running Bear et al., Boarding School Attendance and Physical Health Status of Northern Plains Tribes, 13 Applied Res. Qual. of Life 633 (2018).

³⁵⁹ Ursula Running Bear et al., The Impact of Individual and Parental American Indian Boarding School Attendance on Chronic Physical Health of Northern Plains Tribes, 42 Fam. Community Health 1, 3–4 (2019).

³⁶⁰ Id. at 4–5.

³⁶¹ Id.

³⁶² Id.

³⁶³ Maria Yellow Horse Brave Heart, Gender differences in the historical trauma response among the Lakota, 10 J. Health Soc Policy 1, 14 (1999).

³⁶⁴ Michelle Sotero, A conceptual model of historical trauma: implications for public health practice and research, 1 J. Health Dispar. Res. Pract 93 (2006).

³⁶⁵ Rachel Yehuda et al., Holocaust exposure induced intergenerational effects on FKBP5 methylation, 80 Biol. Psychiatry 372 (2016); Zaneta Thayer et al., Biological memories of past environments: epigenetic pathways to health disparities, 6 Epigenetics 798 (2011).

physical health status scores.”³⁶⁶ “The critical age for learning language is up to 7 and 8, after which there is a steep decline.”³⁶⁷ American Indian children “removed from their homes at age 8 or older had a greater degree of language skill and proficiency and may have been more likely to speak their language leading to punishment.”³⁶⁸ Although similar interaction effects are not found for other boarding school experiences, the studies point to other adverse effects.³⁶⁹ Now-adult attendees with then-limited family visits, forced church attendance, and who were prohibited from practicing their culture and traditions had lower physical health status as adults than those who did not have these experiences in boarding school as children.³⁷⁰ The Running Bear studies reinforce that Federal Indian boarding school policies “often impacted several generations.”³⁷¹

The Federal Indian Boarding School Initiative investigation further demonstrates that “children of the first attendees of [Federal Indian] boarding schools went on to attend, as did their grandchildren, and great grandchildren leading to an intergenerational pattern of cultural and familial disruption”³⁷² under direct and indirect support by the United States and non-Federal entities.

³⁶⁶ Ursula Running Bear et al., The relationship of five boarding school experiences and physical health status among Northern Plains Tribes, 27 *Applied Res. in Qual. of Life* 153 (2018).

³⁶⁷ Dale Purves et al., The development of language: A critical period in humans, in *Neuroscience* (2d ed.) (2001).

³⁶⁸ Ursula Running Bear et al., The relationship of five boarding school experiences and physical health status among Northern Plains Tribes, 27 *Applied Res. Qual. of Life* 153 (2018).

³⁶⁹ *Id.*

³⁷⁰ *Id.*

³⁷¹ Ursula Running Bear et al., The Impact of Individual and Parental American Indian Boarding School Attendance on Chronic Physical Health of Northern Plains Tribes, 42 *Fam. & Community Health* 1 (2019).

³⁷² Ursula Running Bear et al., The Impact of Individual and Parental American Indian Boarding School Attendance on Chronic Physical Health of Northern Plains Tribes, 42 *Fam. & Community Health* 1 (2019).



373



18. Federal Indian Boarding School Initiative Findings and Conclusions

The Assistant Secretary's findings of the Federal Indian Boarding School Initiative, which remain under investigation, based on examination of records under its control, include the following:

1. The Federal Indian boarding system was expansive, consisting of 408 Federal Indian boarding schools, comprised of 431 specific sites, across 37 states or then-territories, including 21 schools in Alaska and 7 schools in Hawaii.
2. Multiple generations of American Indian, Alaska Native, and Native Hawaiian children were induced or compelled by the Federal Government to experience the Federal Indian boarding school system, given their political and legal status as Indians and Native Hawaiians.
3. The twin Federal policy of Indian territorial dispossession and Indian assimilation through Indian education extended beyond the Federal Indian boarding school system, including an identified 1,000+ other Federal and non-Federal institutions,

³⁷³ *Female students standing and playing with blocks at the Fort Yuma Indian Boarding School* [Photograph]. (n.d.). Fort Yuma Quechan Indian Tribe Photo Gallery, Ft Yuma Indian School Collection.

including Indian day schools, sanitariums, asylums, orphanages, and stand-alone dormitories that involved education of Indian people, mainly Indian children.

4. Funding for the Federal Indian boarding school system included both Federal funds through congressional appropriations and funds obtained from Tribal trust accounts for the benefit of Indians and maintained by the United States.
5. The Federal Indian boarding school system deployed militarized and identity-alteration methodologies to assimilate American Indian, Alaska Native, and Native Hawaiian people—primarily children—through education.
6. The Federal Indian boarding school system predominately utilized manual labor of American Indian, Alaska Native, and Native Hawaiian children to compensate for the poor conditions of school facilities and lack of financial support from the Federal Government.
7. The Federal Indian boarding school system discouraged or prevented the use of American Indian, Alaska Native, and Native Hawaiian languages or cultural or religious practices through punishment, including corporal punishment.
8. Tribal preferences for the possible disinterment or repatriation of remains of children discovered in marked or unmarked burial sites across the Federal Indian boarding school system vary widely. Depending on the religious and cultural practices of an Indian Tribe, Alaska Native Village, or the Native Hawaiian Community, it may prefer to disinter or repatriate any remains of a child discovered across the Federal Indian boarding school system for return to the child's home territory or to leave the child's remains undisturbed in its current burial site. Moreover, some burial sites contain human remains or parts of remains of multiple individuals or human remains that were relocated from other burial sites, thereby preventing Tribal and individual identification.
9. The Federal Government has not provided a forum or opportunity for survivors or descendants of survivors of Federal Indian boarding schools, or their families, to voluntarily detail their experiences in the Federal Indian boarding school system.

Based on the initial findings of the Federal Indian Boarding School Initiative, which remain under investigation, and despite factors outside the Department's control, including

the ongoing COVID-19 pandemic and funding issues, the Assistant Secretary concludes that:

1. The United States' creation of the Federal Indian boarding school system was part of a broader policy aimed at acquiring collective territories from Indian Tribes, Alaska Natives, and the Native Hawaiian Community and lands from individuals therein. From the earliest days of the Republic, the United States' official objective—based on Federal and other records—was to sever the cultural and economic connection between Indian Tribes, Alaska Native Villages, the Native Hawaiian Community, and their territories. The assimilation of Indian children through the Federal Indian boarding school system was intentional and part of that broader goal of Indian territorial dispossession for the expansion of the United States.
2. Assimilation of American Indian, Alaska Native, and Native Hawaiian people eventually became an objective of Federal policy in and of itself. The Federal Indian boarding school policies targeted Indian children as one method to accomplish this objective.
3. The intentional targeting and removal of American Indian, Alaska Native, and Native Hawaiian children to achieve the goal of forced assimilation of Indian people was both traumatic and violent. Based on initial research, the Department finds that hundreds of Indian children died throughout the Federal Indian boarding school system. The Department expects that continued investigation will reveal the approximate number of Indian children who died at Federal Indian boarding schools to be in the thousands or tens of thousands. Many of those children were buried in unmarked or poorly maintained burial sites far from their Indian Tribes, Alaska Native Villages, the Native Hawaiian Community, and families, often hundreds, or even thousands, of miles away. The Department's research revealed at least 53 different burial sites across the Federal Indian boarding school system and leads to an expectation that there are many more burial sites that will be identified with further research. The deaths of Indian children while under the care of the Federal Government, or federally supported institutions, led to the breakup of Indian families and the erosion of Indian Tribes, Alaska Native Villages, and the Native Hawaiian Community.
4. Many more Indian children who survived the Federal Indian boarding school system live(d) with their experiences from the school(s). Moreover, several generations of

Indian children experienced the Federal Indian boarding school system. The Federal Indian boarding school system directly disrupted Indian families, Indian Tribes, Alaska Native Villages, and the Native Hawaiian Community for nearly two centuries.

5. Further review is required to determine the reach and impact of the violence and trauma inflicted on Indian children through the Federal Indian boarding school system. The Department has recognized that targeting Indian children for the Federal policy of Indian assimilation contributed to the loss of the following: (1) life; (2) physical and mental health; (3) territories and wealth; (4) Tribal and family relations; and (5) use of Tribal languages. This policy also caused the erosion of Tribal religious and cultural practices for Indian Tribes, Alaska Native Villages, and the Native Hawaiian Community, and over many generations.



374

³⁷⁴ Department of the Interior, Bureau of Indian Affairs, Albuquerque Indian School, 1947-ca. 1964 (most recent creator). (ca.1900). *Class of younger boys in uniform at the Albuquerque Indian School* [Photograph]. National Archives (292871).



19. Recommendations of the Assistant Secretary – Indian Affairs Bryan Newland

For nearly two full centuries, the United States pursued, embraced, or permitted a policy of forced assimilation of American Indian, Alaska Native, and Native Hawaiian people. The Federal Indian boarding school system was developed to target Indian children to accomplish this policy objective for over 150 years and influence U.S.-Indian relations and U.S.-Native Hawaiian relations. The Department must fully account for its role in this effort and renounce forced assimilation of Indian Tribes, Alaska Native Villages, and the Native Hawaiian Community as a legitimate policy objective.

To begin the process of healing from the harm and violence caused by assimilation policy, the Department should affirm an express policy of cultural revitalization—supporting the work of Indian Tribes, Alaska Native Villages, and the Native Hawaiian Community to revitalize their languages, cultural practices, and traditional food systems, and to protect and strengthen intra-Tribal relations.

To complete the Secretary’s objectives of the Federal Indian Boarding School Initiative, and to begin the pursuit of this express policy, the Assistant Secretary – Indian Affairs provides the following recommendations based on the current findings:

1. **Continue full investigation.** Support Secretary Haaland to authorize further investigation of the Federal Indian boarding school system to complete a comprehensive review of records under the Department’s control. Congress appropriated \$7 million in new funds through the Fiscal Year (FY) 2022 Consolidated Appropriations Act (Public Law 117-103) to authorize action by the Department to expand its investigation of the Federal Indian boarding school system, with funds that are continued as part of the FY 2023 President’s request.

Conduct several additional, critical research priorities including digitization, examination, and analysis of records from both AIRR and NARA. The BTFA identified 39,385 boxes in AIRR with potentially responsive documents (approximately 98.4 million sheets of paper).

Recognize that specific needs and priorities include, but are not limited to, identification and evaluation of available records, such as Indian boarding school

facilities and planning documents, enrollment records and vital statistics, correspondence, maps, photographs, and administrative reports, that:

- Approximate the total number of American Indian, Alaska Native, and Native Hawaiian children that attended Federal Indian boarding schools;
- Approximate the total number of marked and unmarked burial sites associated with Federal Indian boarding schools;
- Locate marked and unmarked burial sites associated with a particular Indian boarding school facility or site, which may later be used to assist in locating unidentified remains of Indian children, Indian Prisoners of War, and Freedmen from the Five Civilized Tribes;
- Expand the summary profiles of individual Federal Indian boarding schools;
- Detail the health and mortality of Indian children who experienced the Federal Indian boarding school system, which may later be used to develop dataset(s) for analysis of health impacts of Indian boarding school attendance, including an approximate mortality rate for attendees, as the Department was responsible for the health care of American Indians and Alaska Natives until 1954;
- Identify documented methodologies and practices used in the Federal Indian boarding school system that discouraged or prevented the use of American Indian, Alaska Native, and Native Hawaiian languages or cultural or religious practices;
- Approximate the amount of Federal support, including financial, property, livestock and animals, equipment, and personnel for the Federal Indian boarding school system, recognizing that some records are no longer available;
- Approximate the amount of Tribal or individual Indian trust funds held by the United States in trust that were used to support the Federal Indian boarding school system, including to non-Federal entities and, or individuals, recognizing that some records are no longer available;
- Identify religious institutions and organizations that have ever received Federal funding in support of the Federal Indian boarding school system;

- Identify States that may have ever received Federal funding in support of the Federal Indian boarding school system;
- Identify nonprofits, associations, academic institutions, philanthropies, and other organizations that may have received Federal funding in support of the Federal Indian boarding school system;
- Confirm additional sites within the Federal Indian boarding school system;
- Examine the connection between the use of Federal Indian boarding schools and subsequent systematic foster care and adoption programs to remove Indian children, including the Indian Adoption Project established by the Bureau of Indian Affairs and Child Welfare League of America, that were not repudiated by Congress until the enactment of the Indian Child Welfare Act of 1978.

With additional investigation, produce a second report by the Department, including the following: (1) determining locations of marked or unmarked burial sites associated with the Federal Indian boarding school system; (2) identifying names, ages, and Tribal affiliations of children interred at such locations; and (3) approximating a full accounting of Federal support for the Federal Indian boarding school system, including a proactive approximate accounting of any Tribal and, or individual Indian trust funds held in trust by the United States used to support the Federal Indian boarding school system. The portions of that report that contain sensitive information such as individual names or locations of burial sites will not be released to the public.

Continue departmental engagement and support of relevant Federal agencies that have control or possession of records pertaining to the Federal Indian boarding school system.

- 2. Identify surviving Federal Indian boarding school attendees.** Develop a system for voluntary identification of surviving now-adult attendees, including communication methodologies.
- 3. Document Federal Indian boarding school attendee experiences.** Develop a platform for now-adult Federal Indian boarding school attendees and their descendants to formally document their historical accounts and experiences, and understand current impacts such as health status, including substance abuse and violence.

4. **Support protection, preservation, reclamation, and co-management of sites across the Federal Indian boarding school system where the Federal Government has jurisdiction over a location.**
5. **Develop a specific repository of Federal records involving the Federal Indian boarding school system at the Department of the Interior Library to preserve centralized Federal expertise on the Federal Indian boarding school system.**
6. **Identify and engage other Federal agencies to support the Federal Indian Boarding School Initiative, including those with control of any records involving the Federal Indian boarding school system or that provide health care to American Indians, Alaska Natives, and Native Hawaiians, including for the provision of mental health services to students attending Bureau of Indian Education (BIE) operated and funded schools.**
7. **Support non-Federal entities that may independently release records under their control.** To make the Federal investigation more thorough and accurate, support non-Federal entities, such as States and religious institutions and organizations, including those that have received Federal funding to operate Federal Indian boarding schools, that may independently release records relating to the Federal Indian boarding school system such as those that cover Indian child removal and provision of health care services to Indians, including at military installations.
8. **Support Congressional action involving the following policies:**
 - **NAGPRA.** Support exemptions from Freedom of Information Act requests to protect sensitive, specific information on burial locations across the Federal Indian boarding school system that contain remains of Indian children to prevent against well-documented grave-robbing, vandalism, and other disturbances to Indian burial sites.
 - Support action to direct Federal agencies that control cemeteries to allow the reburial of remains of Indian children and funerary objects repatriated pursuant to NAGPRA, and consistent with specific Tribal practices. Amendment of the Recreation and Public Purposes Act may be needed to facilitate use of BLM lands for this purpose.

- Support action to increase appropriations and professional staffing for programs in Federal agencies that are responsible for agency compliance with NAGPRA.
- Support action to authorize the appropriate agencies to disinter or repatriate, under the direction of an Indian Tribe, Alaska Native Village, or the Native Hawaiian Community, or family with an identified interest, and consistent with specific Tribal practices, any remains of Indian children discovered in marked or unmarked burial sites associated with the Federal Indian boarding school system.
- **Advance Native language revitalization.** Support funding for the expansion and development of programs implementing or supporting Native language revitalization for Bureau of Indian Education (BIE) operated and funded schools, as well as non-BIE schools. Also work to seek funding for the expansion and development of programs outside BIE schools implementing or supporting Native language revitalization, including language immersion schools and community organizations.
- **Promote Indian health research.** Support scientific studies that turn discovery into health by appropriating specific funds to authorize Federally funded research on the Federal Indian boarding school system, including health impacts on Indian Tribes, Alaska Native Villages, and the Native Hawaiian Community and individual American Indians, Alaska Natives, and Native Hawaiians.
- **Recognize the generations of American Indian, Alaska Native, and Native Hawaiian children that experienced the Federal Indian boarding school system with a Federal memorial.**



375

³⁷⁵ Department of the Interior, Bureau of Indian Affairs, Albuquerque Indian School, 1947-ca. 1964 (most recent creator). (ca. 1910). *Young School Girls Attending Sewing Class at Albuquerque Indian School* [Photograph]. National Archives (292877).

In 1905, after nearly 20 years of U.S. prisoner of war captivity,³⁷⁶ Geronimo (Goyaałé) was temporarily released from Fort Sill, Oklahoma to attend the inauguration of U.S. President Theodore Roosevelt.³⁷⁷ Geronimo also negotiated to visit the Carlisle Indian Industrial School in Pennsylvania. Speaking to the Federal Indian boarding school attendees, Goyaałé said: “You are all just the same as my children to me, just the same ... when I look at you all here ... You are here to study, to learn the ways of white men; do it well.”³⁷⁸

³⁷⁶ Commissioner of Indian Affairs, Annual Rep. to the Secretary of the Interior XXXIV (1887) (noting the Apaches under Geronimo were not “under the care of the Interior Department”).

³⁷⁷ Commissioner of Indian Affairs, Annual Report to the Secretary of the Interior 431 (1905).

³⁷⁸ Carlisle Arrow, Mar. 7, 1905.

The Office of the Assistant Secretary – Indian Affairs, U.S. Department of the Interior values the special contributions to this report from the following:

The Bureau of Trust Funds Administration (BTFA)
The Bureau of Indian Education (BIE)
The Bureau of Indian Affairs (BIA)
The Department of the Interior Library
The National Native American Boarding School Healing Coalition (NABS)
National Archives and Records Administration (NARA)