



***There can be no Justice Without Understanding and Addressing the Impacts of United States Indian Residential Boarding School Policies***

**A Joint Statement from the National Council of Juvenile and Family Court Judges and the National American Indian Court Judges Association**

The history of United States' policies and practices regarding Native Americans and Tribal communities includes family separation, forced assimilation, and the purposeful destruction of Native cultures. As evidenced by the Civilization Fund Act of 1819 and an 1891 compulsory boarding school attendance law, Congressional goals aimed at the 'civilization' of Indigenous peoples were used to enact programs to remove and reprogram American Indian, Alaska Native, and Native Hawaiian children. The goal, as stated by General Richard Henry Pratt, founder of the first boarding schools in the U.S., was: "[k]ill the Indian, save the man."

Volume I of the U.S. Department of Interior's Federal Indian Board School Initiative Investigative Report (May 2022), documented that these laws and policies resulted in tens of thousands of Native children being placed in hundreds of residential boarding schools operated by the federal government and churches, located hundreds of miles from their families, communities, and culture between 1869 and the late 1960s. The well-documented Investigative Report also explained the historical context of the residential boarding schools as part of a broad, deliberate, and acknowledged effort to assimilate Native populations. In her June 2022 statement to the Senate Committee on Indian Affairs, Secretary of the Interior Deb Haaland noted, "[m]any children who entered the boarding schools were involuntarily removed from their communities and never returned home. This intentional targeting and removal of American Indian, Alaska Native, and Native Hawaiian children to achieve the goal of forced assimilation of Native people was both traumatic and violent."

By 1900, 20,000 Native children were in U.S. residential boarding schools and by 1926, nearly 83% of Native school-age children were attending such schools. In 1928, the Meriam Report found Indian residential boarding schools to be "grossly inadequate," documenting malnourishment, overcrowding, poor medical services, student labor, and

low standards for teachers. Children were shorn of their hair, deprived of traditional clothing and personal belongings, and were punished for speaking their languages. They also suffered documented physical, sexual, cultural, and spiritual abuse and neglect.

The 2022 Investigative Report has begun the process of documenting the impacts of the board schools and their policies, including identifying approximately 53 residential boarding schools with marked or unmarked burial sites on their grounds, and notes the expectation that the number will increase.

Indian residential boarding school policies and their implementation fit the definition of cultural genocide in the 1948 U.N. Convention on Genocide, which includes: “[c]ausing serious bodily or mental harm to members of the group ... ” and, “[f]orcibly transferring children of the group to another group.”

The Indian residential boarding school experience often resulted in enormous loss of identity, language, culture, and family. It caused intergenerational and historical trauma, impaired family communication, stress around and lack of modeling for parenting, assisted in the breakdown of traditional culture and values, and is a factor in high rates of alcoholism and physical and mental illness. Historical and intergenerational trauma can be cumulative and passed along, compounding the physical and mental health problems of the community, and still has impacts to Native communities, families, and children to this day.

The National Council of Family and Juvenile Court Judges (NCJFCJ) and the National American Indian Court Judges Association (NAICJA) are partner organizations committed to working together to support tribal court and state court judicial education and resources, to serving tribal communities, and to collaborating on issues related to the history and impacts of U.S. Indian residential boarding school policies and practices.

As partners, NCJFCJ and NAICJA envision a society in which every family and child has access to fair, equal, effective, and timely justice. Our institutional values of compassion, leadership, education, and community are fundamental to who we are and imbue our efforts to provide all judges, courts, and agencies involved with juvenile, family, and domestic violence systems with the knowledge and skills to improve the lives of children and families who seek justice.

NAICJA and NCJFCJ endorse and support the Federal Indian Boarding School Initiative and its investigation of the loss of life and lasting consequences of Indian boarding schools. NAICJA and NCJFCJ support the establishment of a Truth and Healing Commission as proposed in Senate Bill 2907 and supported by Secretary Haaland as well

as all efforts allowing survivors of the Indian residential boarding school system the opportunity to share their stories, connect communities with trauma-responsive support, and facilitate establishment of a permanent oral history. NAICJA and NCJFCJ also support all efforts to identify burial sites at or near school facilities as well as the Tribal affiliations and/or identities of children interred at such sites, protect the cemeteries and burial sites, and repatriate remains in compliance with the input and expressed wishes of the affected families, communities and the Native American Graves Protection and Repatriation Act.

NAICJA and NCJFCJ call on the federal government and all those connected with the Indian residential boarding schools to issue a formal apology for their roles in the physical, emotional, and intergenerational harms to Native children, families and communities.

Native spiritual practices, culture, and customs help many build resilience and heal. NAICJA and NCJFCJ commit to working with partner organizations, including tribes and tribal justice systems and to use its strong partnership with state, local and tribal courts to foster healing from the intergenerational and historical trauma caused by Indian residential boarding schools, especially healing in traditional and trauma-responsive ways as Tribes see fit. As Native American, Alaska Native and Native Hawaiian children continue to be disproportionately removed from their homes and involved in the child welfare system, NCJFCJ commits to continuing its nationwide work in developing, training, and partnering with courts to improve outcomes for tribal children, families, and communities consistent with the Indian Child Welfare Act and well-established principles of tribal sovereignty.

Resources:

U.S. Department of Interior Federal Indian Boarding School Initiative: <https://www.doi.gov/priorities/strengthening-indian-country/federal-indian-boarding-school-initiative>

U.S. Department of Interior Federal Indian Boarding School Initiative Investigative Report: <https://www.doi.gov/pressreleases/department-interior-releases-investigative-report-outlines-next-steps-federal-indian>

Indian Country Today on Sec. Haaland's Road to Healing: <https://indiancountrytoday.com/news/we-all-carry-the-trauma-in-our-hearts#:~:text=%E2%80%9C%20want%20you%20all%20to,the%20trauma%20in%20our%20hearts.%E2%80%9D>

Sec. Haaland's Testimony to the Senate Committee on Indian Affairs: <https://www.indian.senate.gov/sites/default/files/Tab%201%20-%20DOI%20SCIA%20Boarding%20School%20Initiative%20Testimony%20-%20cleared.pdf>

Information about Canada's residential schools: [https://indigenousfoundations.arts.ubc.ca/the\\_residential\\_school\\_system/](https://indigenousfoundations.arts.ubc.ca/the_residential_school_system/)

National Native Board School Healing Coalition: <https://boardingschoolhealing.org/>

Native American Rights Fund Legal Review: <https://www.narf.org/nill/documents/nlr/nlr38-2.pdf>