

ACKNOWLEDGMENT AND APOLOGY

HEARING

BEFORE THE

COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE

ONE HUNDRED NINTH CONGRESS

FIRST SESSION

ON

S.J. RES. 15

TO ACKNOWLEDGE A LONG HISTORY OF OFFICIAL DEPREDACTIONS AND
ILL-CONCEIVED POLICIES BY THE U.S. GOVERNMENT REGARDING IN-
DIAN TRIBES AND OFFER AN APOLOGY TO ALL NATIVE PEOPLES ON
BEHALF OF THE UNITED STATES

MAY 25, 2005
WASHINGTON, DC



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ACKNOWLEDGMENT AND APOLOGY

WEDNESDAY, MAY 25, 2005

U.S. SENATE,
COMMITTEE ON INDIAN AFFAIRS,
Washington, DC.

The committee met pursuant to notice, at 10:07 a.m. in room 485, Senate Russell Building, Hon. John McCain (chairman of the committee) presiding.

Present: Senators McCain and Dorgan.

STATEMENT OF HON. JOHN MCCAIN, U.S. SENATOR FROM ARIZONA, CHAIRMAN, COMMITTEE ON INDIAN AFFAIRS

The CHAIRMAN. Today's hearing addresses S.J. Res. 15, a joint resolution to acknowledge the contributions of Native Americans to this country but also the long history of official depredations and ill-conceived policies by the U.S. Government regarding Indians.

The resolution apologizes to Native Peoples on behalf of the United States. I commend Senator Brownback for introducing the measure and I look forward to his testimony. I note that he introduced an apology resolution in the last Congress. That resolution, passed by unanimous consent of this committee with an amendment in the nature of a substitute, was never acted on by the full Senate.

S.J. Res. 15 apologizes for the several hundred years of wrongs the Federal Government has perpetrated against Native Americans. Reviewing the history of this Government's treatment of Native peoples makes painfully obvious that the Government has repeatedly broken its promises and caused great harm to the Nation's original inhabitants.

While remembering our past wrongs is important, it is also important that we answer those wrongs with vigorous actions and policies that actively promote the well-being of Native Americans today.

[Text of S.J. Res. 15 follows:]

109TH CONGRESS
1ST SESSION

S. J. RES. 15

To acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States.

IN THE SENATE OF THE UNITED STATES

APRIL 19, 2005

Mr. BROWNBACK (for himself, Mr. DORGAN, and Mr. DODD) introduced the following joint resolution; which was read twice and referred to the Committee on Indian Affairs

JOINT RESOLUTION

To acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States.

Whereas the ancestors of today's Native Peoples inhabited the land of the present-day United States since time immemorial and for thousands of years before the arrival of peoples of European descent;

Whereas the Native Peoples have for millennia honored, protected, and stewarded this land we cherish;

Whereas the Native Peoples are spiritual peoples with a deep and abiding belief in the Creator, and for millennia their peoples have maintained a powerful spiritual connection

to this land, as is evidenced by their customs and legends;

Whereas the arrival of Europeans in North America opened a new chapter in the histories of the Native Peoples;

Whereas, while establishment of permanent European settlements in North America did stir conflict with nearby Indian tribes, peaceful and mutually beneficial interactions also took place;

Whereas the foundational English settlements in Jamestown, Virginia, and Plymouth, Massachusetts, owed their survival in large measure to the compassion and aid of the Native Peoples in their vicinities;

Whereas in the infancy of the United States, the founders of the Republic expressed their desire for a just relationship with the Indian tribes, as evidenced by the Northwest Ordinance enacted by Congress in 1787, which begins with the phrase, “The utmost good faith shall always be observed toward the Indians”;

Whereas Indian tribes provided great assistance to the fledgling Republic as it strengthened and grew, including invaluable help to Meriwether Lewis and William Clark on their epic journey from St. Louis, Missouri, to the Pacific Coast;

Whereas Native Peoples and non-Native settlers engaged in numerous armed conflicts;

Whereas the United States Government violated many of the treaties ratified by Congress and other diplomatic agreements with Indian tribes;

Whereas this Nation should address the broken treaties and many of the more ill-conceived Federal policies that followed, such as extermination, termination, forced removal

and relocation, the outlawing of traditional religions, and the destruction of sacred places;

Whereas the United States forced Indian tribes and their citizens to move away from their traditional homelands and onto federally established and controlled reservations, in accordance with such Acts as the Indian Removal Act of 1830;

Whereas many Native Peoples suffered and perished—

(1) during the execution of the official United States Government policy of forced removal, including the infamous Trail of Tears and Long Walk;

(2) during bloody armed confrontations and massacres, such as the Sand Creek Massacre in 1864 and the Wounded Knee Massacre in 1890; and

(3) on numerous Indian reservations;

Whereas the United States Government condemned the traditions, beliefs, and customs of the Native Peoples and endeavored to assimilate them by such policies as the redistribution of land under the General Allotment Act of 1887 and the forcible removal of Native children from their families to faraway boarding schools where their Native practices and languages were degraded and forbidden;

Whereas officials of the United States Government and private United States citizens harmed Native Peoples by the unlawful acquisition of recognized tribal land and the theft of tribal resources and assets from recognized tribal land;

Whereas the policies of the United States Government toward Indian tribes and the breaking of covenants with Indian

tribes have contributed to the severe social ills and economic troubles in many Native communities today;

Whereas, despite the wrongs committed against Native Peoples by the United States, the Native Peoples have remained committed to the protection of this great land, as evidenced by the fact that, on a per capita basis, more Native people have served in the United States Armed Forces and placed themselves in harm's way in defense of the United States in every major military conflict than any other ethnic group;

Whereas Indian tribes have actively influenced the public life of the United States by continued cooperation with Congress and the Department of the Interior, through the involvement of Native individuals in official United States Government positions, and by leadership of their own sovereign Indian tribes;

Whereas Indian tribes are resilient and determined to preserve, develop, and transmit to future generations their unique cultural identities;

Whereas the National Museum of the American Indian was established within the Smithsonian Institution as a living memorial to the Native Peoples and their traditions; and

Whereas Native Peoples are endowed by their Creator with certain unalienable rights, and that among those are life, liberty, and the pursuit of happiness: Now, therefore, be it

1 *Resolved by the Senate and House of Representatives*

2 *of the United States of America in Congress assembled,*

3 **SECTION 1. ACKNOWLEDGMENT AND APOLOGY.**

4 The United States, acting through Congress—

1 (1) recognizes the special legal and political re-
2 lationship the Indian tribes have with the United
3 States and the solemn covenant with the land we
4 share;

5 (2) commends and honors the Native Peoples
6 for the thousands of years that they have stewarded
7 and protected this land;

8 (3) recognizes that there have been years of of-
9 ficial depredations, ill-conceived policies, and the
10 breaking of covenants by the United States Govern-
11 ment regarding Indian tribes;

12 (4) apologizes on behalf of the people of the
13 United States to all Native Peoples for the many in-
14 stances of violence, maltreatment, and neglect in-
15 flicted on Native Peoples by citizens of the United
16 States;

17 (5) expresses its regret for the ramifications of
18 former wrongs and its commitment to build on the
19 positive relationships of the past and present to
20 move toward a brighter future where all the people
21 of this land live reconciled as brothers and sisters,
22 and harmoniously steward and protect this land to-
23 gether;

24 (6) urges the President to acknowledge the
25 wrongs of the United States against Indian tribes in

1 the history of the United States in order to bring
2 healing to this land by providing a proper foundation
3 for reconciliation between the United States and In-
4 dian tribes; and

5 (7) commends the State governments that have
6 begun reconciliation efforts with recognized Indian
7 tribes located in their boundaries and encourages all
8 State governments similarly to work toward reconcil-
9 ing relationships with Indian tribes within their
10 boundaries.

11 **SEC. 2. DISCLAIMER.**

12 Nothing in this Joint Resolution—

13 (1) authorizes or supports any claim against
14 the United States; or

15 (2) serves as a settlement of any claim against
16 the United States.

○

The CHAIRMAN. I would like to mention that Senator Dorgan is in the Energy Committee markup this morning and he will try to get here as quickly as he can. He has an ethanol amendment. I certainly hope that it fails.

I would like to welcome my friend, Senator Brownback and note what is well known to all of his continued advocacy for human rights throughout the world whether it be in South Dakota or the Sudan. The fact he has introduced this resolution of apology is only a graphic demonstration of the concern that Senator Brownback has shown for all men and women throughout the world and his dedication to human rights.

We are honored to have you this morning, Senator Brownback. Please proceed as you see fit. Thank you.

STATEMENT OF HON. SAM BROWNBACK, U.S. SENATOR FROM KANSAS

Senator BROWNBACK. Thank you, Mr. Chairman.

Thank you for holding this, to my knowledge, first ever hearing on a topic of this nature, an official apology to the Native Americans of the United States. I think it is an issue that is very important to the long term health of the United States and it is an issue that has lain unresolved for far too long.

You will hear from several experts today about what happens to a people group when a wrong has been committed and nothing ever acknowledged and yet, years later it continues to fester and remain in place. The issue is our Nation's relationship with the Native peoples of this land and it goes that basic.

Every member of this committee is very familiar with the legacy of the native tribes on our continent. We know that long before 1776 and the establishment of the United States of America, this land was inhabited by numerous nations. Like our Nation, many of these peoples held a strong belief in the Creator and maintained a powerful physical and spiritual connection to the land itself. They sowed the land, tilled it, journeyed it, and protected it.

My constituents in Kansas and myself have a similar attachment to the land. Like many in my State, I was raised on the land. I grew up farming it and caring for it. I, and many in my State, established a connection to it. We care for our Nation and the land of our forefathers so greatly that we, too, are willing to serve and protect it, as faithful stewards of the creation God has blessed us with. I believe without a doubt that citizens across this Nation share in this sentiment and know its unifying power. Americans have stood side-by-side for centuries to defend and benefit this land we love.

Both the Founding Fathers of the United States and the indigenous Tribes that lived here were attached to this land. Both sought to steward and protect it. There were several instances of collegiality and cooperation between our forbearers that are well known, examples such as Jamestown, VA, Plymouth, MA, and in aid to explorers Meriwether Lewis and William Clark.

Yet, sadly, since the formation of the American Republic, numerous conflicts have ensued between our Government and many of these tribes, conflicts in which warriors on all sides fought courageously and in which all sides suffered. Yet, even from the earliest

days of our Republic, there existed a sentiment that honorable dealings and peaceful coexistence were preferable to bloodshed. Indeed, our predecessors in Congress in 1787 stated in the Northwest Ordinance, "The utmost good faith shall always be observed toward the Indians."

Many treaties were made between this Republic and the American Indian Tribes. I have read most of all those that were entered between tribes that were in or moved to the State of Kansas. Treaties, we know, are far more than words on a page. Treaties are our word, our bond.

Treaties with other governments are not to be treated lightly. Unfortunately, too often the United States of America did not uphold its responsibilities as stated in its covenants with the Native American tribes. Too often, Mr. Chairman, our Government broke its oaths to the native peoples.

For too long, relations between the United States and the native peoples of this land have been in disrepair. For too much of our history, Federal-tribal relations have been marked by broken treaties, mistreatment, and dishonorable dealings. I believe it is time we worked to restore these relationships to good health.

While we cannot erase the record of our past, I am confident that we can acknowledge our past failures, express sincere regrets, and work toward establishing a brighter future for all Americans. It is in this spirit of hope for our land that I have introduced S.J. Res. 15 to extend a formal apology from the United States to tribal governments and native people nationwide.

I want my fellow Senators to know that the resolution I have introduced does not dismiss the valiance of our American soldiers who fought bravely for their families in wars between the United States and a number of the Indian tribes. Nor does this resolution cast all the blame for the various battles on one side or another.

What this resolution does do is recognize and honor the importance of Native Americans to this land and to our Nation, in the past and today, and offers an official apology to the native peoples for the poor and painful choices our Government sometimes made to disregard its solemn word.

Mr. Chairman, this is a resolution of apology and a resolution of reconciliation. It is a first step toward healing the wounds that have divided us for so long, a potential foundation for a new era of positive relations between tribal governments and the Federal Government. It is time, it is past time, for us to heal our land of division, all divisions, and bring us together as one people.

Before reconciliation, there must be recognition and repentance. Before there is a durable relationship, there must be understanding. This resolution will not authorize or serve as a settlement of any claim against the United States, nor will it resolve the many challenges still facing native peoples. It does recognize the negative impact of numerous deleterious Federal acts and policies on Native Americans and their cultures. Moreover, it begins the effort of reconciliation by recognizing past wrongs and repenting for them.

As I close, allow me to commend President Bush for his poignant words in Latvia earlier this month that I think bear repeating and serve as a statement here. He said, "The only way we found to rise above the injustices of our history was to reject segregation, to

move beyond mere tolerance, and to affirm the brotherhood of everyone in our land." I sincerely hope we can affirm the brotherhood of this land between all people groups, especially the Native people with whom the U.S. Government has a special covenant relationship.

The United States is admired by many around the world as a beacon of freedom and a respecter of human dignity. I hope we can recognize our wrongs against our Native brothers and seek healing.

Dr. Martin Luther King, a true reconciler, once said, "The end is reconciliation, the end is redemption, the end is the creation of the beloved community." This resolution is not the end, but, perhaps it signals the beginning of the end of division and the faint first light and first fruits of the creation of beloved community.

I worked with a number of people in the last Congress, Senator Campbell, Senator Inouye, in crafting this apology resolution. I also worked with a number of the tribal groups. The resolution before us today, S.J. Res. 15, is identical to the version that was approved unanimously by this committee last year.

Before I leave, I would like to enter into the record, remarks made by the head of the Bureau of Indian Affairs [BIA] on the 175th anniversary of the BIA, September 8, 2000, acknowledging a number of the specific wrongs and saying there were a number positive things that have been done but we also must acknowledge this past. There was actually an apology issued by the BIA to the native tribes. I would like to put that into the record.

Senator MCCAIN. Without objection.

[Referenced materials appears in appendix.]

Senator BROWNBACK. I would finally note, Mr. Chairman, this has been a long journey for me. It started when I was first elected to the Senate and went to the tribes in the State of Kansas to meet with them and at the Haskell Indian University in Kansas to meet with people there.

There was a deep-rooted bitterness there. It was very apparent. I said what is the source of this. The more I was around the native people, their American experience and the shared tragedies that were continually passed down from generation to generation had built in a deep rooted bitterness that needs to be resolved and needs to be dealt with.

This doesn't finish that off but it does start the process and I think it is an extraordinarily important and necessary step for us to heal the land. That is why I am so strongly in favor and supportive of it.

I really appreciate you holding this first ever hearing. You are very busy with a number of issues you could take up. This is not an easy one, although I know the chairman doesn't pick easy tasks as reflected this week. I can't think of a better person for this to come before than yourself.

Thank you.

Senator MCCAIN. Senator Brownback, I want to assure you that we will mark up this resolution as quickly as possible. Unless there is some objection of members of the committee, and I don't know of any yet, and then maybe I can do what I can to assist you to get some floor consideration of this issue. I would be glad to support you in whatever way I can.

Thank you.

Senator BROWNBACK. Thank you very much.

Senator MCCAIN. Thank you, Senator Brownback.

Our next panel consist of Tex Hall, president, National Congress of American Indians, who is an old friend of this committee; Edward K. Thomas, president, Central Council Tlingit and Haida Tribes of Alaska; and Negiel Bigpond, Sr., president, Two Rivers Native American Training Center, Bixby, OK.

Dr. Bigpond, I was out at the University of Oklahoma and spoke at their graduation last week. I was very pleased to see that on the campus of the University of Oklahoma, there were a lot of reminders of Native Americans and their contributions to the State of Oklahoma. I was very impressed by that.

I am going to talk to the president of Arizona University to see if we can't do a little better.

Tex, you are up first, given your 300th appearance before this committee.

STATEMENT OF TEX HALL, PRESIDENT, NATIONAL CONGRESS OF AMERICAN INDIANS

Mr. Hall. Good morning. My name is Tex Hall, president of the National Congress of American Indians and tribal chairman of the Mandan, Hidatsa and Arikara Tribes of North Dakota.

Before I begin, I want to briefly thank you for what I have seen on television for the last month, the leadership that was exhibited by you and I believe 14 members of the Senate that helped preserve the Senate rules on filibustering for judicial nominees. It took great leadership and I want to thank you in public for that.

Senator MCCAIN. Thank you, sir. I think my reward will be in heaven. [Laughter.]

Mr. Hall. On behalf of NCAI we want to thank you for giving us the opportunity to testify for support of S.J. Res. 15 which would acknowledge the many misdeeds of the United States in its interactions with Native Americans and recognizing and honoring the importance of Native Americans to this land and to our country in the past and today.

I also want to thank Senator Sam Brownback for his leadership and for his commitment and diligence in introducing this resolution, as well as Senators Boxer, Dodd, Inouye, Dorgan, Cochran, and Akaka for cosponsoring this apology resolution.

We all know of the atrocities wrought against native people in the United States, the holocaust, the land theft, the forced removals, the boarding school experience completely wiping out the language and cultures of our native brothers and sisters, the broken treaties, and the attempts to undermine our status as sovereign nations.

Passage of the Apology Resolution would mark the Federal Government's first effort to extend an official apology for the years of wrongdoing in interactions with Indian tribes. It is a long-time coming.

A similar Apology Resolution enumerating the various wrongdoings of the U.S. Government in relation to the Native Hawaiians and the Kingdom of Hawaii was passed and signed into

law by President Clinton in 1993. The Canadian Government likewise apologized to its First peoples in 1998.

NCAI's leadership worked with Congressional leadership in the last Congress to analyze the impact of this landmark resolution which was first introduced in the 108th Congress by Senator Brownback, for himself, Senator Ben Nighthorse Campbell, and Senator Dan Inouye.

NCAI solicited responses from tribes to the proposed language and facilitated discussions among tribal leadership and Congress on this issue. Tribal leadership responses across Indian country give us a variety of their comments to the apology resolution. I would like to briefly share some of those with you.

First, it is important to recognize the intensity of the reaction of tribal leaders to the apology resolution which demonstrates that the destructive policies addressed in this resolution are not a fading distant past for Indian people. They are present today and continue to be felt in very real ways every day.

We continue to live with the legacy of the Federal Government's misguided policies of the past as well as present day policies that continue to undermine our ability to live as robust, healthy self-determining people. Tribal leaders have stressed that the apology must recognize contemporary and not just historical problems in Indian-Federal Government relations.

Many Government policies continue to reflect a reluctance to truly recognize tribes as sovereign governments. For example, tribes, unlike other governments, are limited in their ability to raise money by issuing tax exempt bonds. Tribes are also left out of the funds that the Federal Government has directed to every State for homeland security.

Tribal law enforcement agencies do not have the jurisdiction and resources they need to protect public safety and recent Supreme Court decisions have blurred the lines of jurisdiction at the borders between State and tribal lands.

Tribal leaders have commented that an apology may be the first step in reconciliation between tribes and the U.S. Government, but for this to be true, the apology must be more than words on paper. There is a lot of unfinished business that must be attended to before true reconciliation can be achieved. As one tribal leader said, apologizing does not in any way wipe the slate clean or let anyone off the hook.

I had the opportunity to testify before this committee on the President's proposed fiscal year 2006 budget. I said at the time, Indian people are deeply disappointed that the budget did not support strong self-government and self-determination for tribes.

There was drastic cuts to many of the programs vital to the health and well being of our people, with health care and medical assistance being sorely needed and under funded. These programs are guaranteed to us, as we know, by solemn treaties and tribes paid for these services by ceding approximately 3 billion acres of land to the United States.

A strong Federal commitment to make good on old promises to provide resources for services, prevention programs and health care are badly needed. To many an apology rings hollow when the U.S. Government has continued to fail to fulfill these treat promises.

Only when coupled with a continued commitment to the government-to-government relationship and Federal Indian programs like health, education and housing can the apology resolution truly begin to make a meaningful difference for Indian tribes. Another tribal leader put the resolution to be like apologizing for stepping on someone's foot while you continue to stand on that foot.

The message we would like to leave you with today is that we clearly support this historic resolution but we must also recognize it is a first step toward reconciliation.

Native Americans have come through extraordinarily trying times over the past two centuries, and we have emerged strong and growing as a population. Native Americans are the fastest growing segment of the population by percentage. However, we have a long way to go.

An apology implies a recognition that an injustice occurred and the importance of this recognition cannot be underestimated. It also implies, however, that there is a will to try to do something about the harms that are caused by that injustice.

True healing must begin with a recognition of the harm, but it cannot stop there. An apology cannot substitute for upholding the hundreds of treaties made with Indian nations and fully living up to the Federal trust responsibility. Tribal leaders have cautioned that the apology will be meaningless if it is not accompanied by actions that begin to correct the wrongs of the past and the present. Indian sovereignty is still under threat and Indian people are still being left behind in this country.

We look forward to working with you as we move forward in taking the next steps toward reconciliation and securing the future for Indian peoples.

Thank you very much. I would be happy to answer any questions.

[Prepared statement of Mr. Hall appears in appendix.]

Senator MCCAIN. Thank you very much.

President Thomas, welcome.

STATEMENT OF EDWARD K. THOMAS, PRESIDENT, CENTRAL COUNCIL TLINGIT AND HAIDA TRIBES OF ALASKA

Mr. Thomas. I am the president of the Tlingit and Haida Indian Tribes of Alaska, Juneau, AK.

First, I want to thank you for this hearing and the opportunity to provide my comments to this important issue. I want to thank Senator Brownback for introducing the resolution and also for his fine testimony here today.

I rose up in reluctant support of the resolution when it first came about and then became somewhat concerned about it moving forward because of the amount of time that it was taking away from other issues mentioned in Tex Hall's presentation.

I want you to know that I understand the danger in stepping forward in opposition to something that is proposed by honorable people in this Congress. I do not wish to offend the friends of Indian country who are in Congress; I do not want to appear ungrateful for those good things done by Congress for our people; and I don't want to jeopardize the efforts of those who want to do things in a good way through this apology. I don't want to give you the impres-

sion that we don't appreciate all that is being done here today for Native Americans.

I do want you to know that my reservations about going forth with an apology are real and some of the things Tex Hall talked about are the basis of my concern, the relationships between the United States and America's first citizens continue to be very unsatisfactory. The trust relationship that this Nation established over the years with Native Americans is seriously weakened through the inadequate funding of social and economic development programs as well as the under funding of indirect costs.

All this happens notwithstanding many reports by government agencies and private interests about the inadequacy of funding to Native Americans and the damage that does to the people who need that funding. All this happens, even though we worked very hard with this committee and with yourself on language to make sure that there was no theoretic under recovery of indirect costs. You might recall a number of years ago when you were chairing this committee, we worked on that language. It is in law but yet there still is inadequate funding for indirect costs. Things have deteriorated so much that it is a fact that Federal prisoners get more health care funding per capita than Native Americans at this point in time.

Another important thing that is happening is that the sacred tribal sovereign powers and rights are deteriorating in favor of State authorities at an alarming rate by uninformed Federal courts. We have been working with members of Congress and the Administration trying our best to introduce language that would stop this erosion of tribal sovereign rights and powers. Yet nothing seems to happen in that area.

I still don't understand what the big fear is. I know that tribal governments are of no great threat to States and there is much to be accomplished by preserving those sacred, tribal sovereign powers and rights.

The government-to-government relationship between the United States and Indian tribes has become meaningless or has become a meaningless term. Both under the Democratic and Republican Administrations we see very little consultation on the development of Federal Indian policies and the Federal Indian budgets. Right now, the consultation is somewhat limited to a couple of representatives from each of the 12 BIA regions. They bring us in and we talk about the budgets and really nothing happens. No consultation happens in my part of the country at all on any of these issues.

One example is the Interior Department dealing with the issue of trust asset management. The Bell case exists because somebody didn't do their job. Tribes have asked repeatedly that the fixing of this problem not be at the expense of existing tribal programs. Yet that is what is happening. Tribes have asked repeatedly that the BIA organization not take place at the expense of existing BIA budgets, yet that is what is happening.

Another example I spoke of a bit earlier is the development of budgets. I served on the National BIA Budget Advisory Council. Tribal leaders came forth with much testimony sharing with the Administration our priorities. When all was said and done, the assistant secretary's priorities ended up in the budgets, ours did not.

Not only that, some of our priorities were cut so that his could be included in the budget. Some other very important priorities such as education were also cut just so the former assistant secretary's priorities could be in the budget. The point is that after all the meetings and consultation, our priorities went nowhere and the Administration put their own priorities in place.

I also want to point out that I did have a longer list in my written testimony that I provided for the record. If there is no objection, I would like that put in the record.

Senator MCCAIN. Without objection, it will be in the record.

Mr. Thomas. In conclusion, I want to thank you very much for this opportunity to speak on this very important resolution. I hope that an apology will come forth somewhat like Mr. Hall stated. Apologies are good; sincere apologies are better. Apologies joined with positive action that corrects and compensates for the problems and ills of the past are the best apologies.

Thank you very much.

[Prepared statement of Mr. Thomas appears in appendix.]

Senator MCCAIN. Thank you very much.

Dr. Bigpond.

STATEMENT OF NEGIEL BIGPOND, Sr., PRESIDENT, TWO RIVERS NATIVE AMERICAN TRAINING CENTER

Mr. Bigpond. Thank you, Chairman.

I too want to thank the Senate Indian Affairs Committee for allowing me to speak today. Although my testimony will last more than 5 minutes, I will keep it at that time.

I was born November 7, 1949, in Oklahoma and am a full blood member of the Euchee [Yucci] tribe which was adopted into the Creek Nation. I am a descendant of Noah Gregory, peace chief of the Euchee Nation. I grew up in Okmulgee, OK and attended the Chilocco Indian Boarding School where I and many other native children were emotionally and physically abused.

I am a business owner, and also a fourth generation minister from Methodist lineage to native people in 158 tribes, and to many non-native congregations. I held the position of Human Services Director for the Creek Nation for 7 years, and am a certified drug and alcohol abuse counselor. Along with Jay Swallow, Southern Cheyenne/Sioux, I co-founded the Two Rivers Native American Training Center in Mounds, Oklahoma.

In the beginning of my work on this Joint Resolution of Apology and hoped-for proclamation by President George W. Bush started in July of 1997 in Oklahoma. During a conference a group of non-native individuals began to apologize to Dr. Jay Swallow and myself. This set off a major reconciliation move in Oklahoma which is still continuing.

This vast and great land now called America is troubled and filled with brokenness and disorders of many kinds, high rates of crime, violence and murder, a divorce rate at 50 percent of all marriages, broken families, middle class people struggling to make ends meet even in a "good" economic time, widespread depression, suicide now the third greatest cause of death among all teenagers, rampant substance abuse and addiction, and more men and women in prison than in any other western nation. Racism and ethnic

troubles abound. Many youth sit “homeless” as both parents work long hours. New and deadly types of disease are entering society. Death waits at our door seemingly.

I believe that acknowledging past atrocities and asking the indigenous “first nations” people of this land for forgiveness is needed as a “first step” for a healing of the land now called America to be released. This will be a healing not just for Native American people, but all the people of this land, black, white, Hispanic and Asian, all ethnic groups. Many ethnic and immigrant backgrounds have been involved since the “first contact” by Columbus and others.

In my many travels around the world, I have met many people and they now the plight of the Native American people and have studied the treatment of the native people by the Federal Government. It is my belief that they use this broken history as fuel to develop hatred toward America. Together, our purpose must be to heal the land and to remove the heaviness which I am sure that this Senate knows and deals with on a daily basis. The weight of the loss of millions of native indigenous people, of our painful broken history, and the dishonor and disorder is great.

All of our peoples are in great need of healing, especially as we are going through so much, in war, not just overseas, but here on the home front. Hatred and terrorism stare at us. We live in a time of great fear. Fear always leads to anger, hatred and strife. This anxiety streams into all of our homes, Native and non-Native alike.

Members of the human family are not just mind and body. They are spirit. Each man, woman and child, we all now this is our heart. Regardless of what we each think or believe, just as our warriors our soldiers who are facing death today on the battlefield in Afghanistan, Iraq and many other places and the spirit of a person and of a people can be wounded and crushed.

Apology, the exchange of forgiveness and a show of respect and honor always brings a fresh freedom to our spirits, our minds, our bodies. Apology and reconciliation is good medicine to the heart of a person or a nation. America needs this heart medicine and spiritual healing. The broken promises and history of all our peoples needs healing.

Why, some of you ask and say that apology is unnecessary because the Native people have always been a part of this government. No, this government has never made treaties in the name of “In God We Trust” with any other people group in the country. It has never taken place before and broken them all, 372 treaties with the Native people, all broken. There has been no public apology to this day. No U.S. President has sought forgiveness. Only a few have made private statements. You members of the U.S. Senate are taking a historical step forward.

Our native soldiers have always courageously fought for this country in every war because they are warriors. They know how to survive regardless of broken treaties, regardless of the Third World conditions on our reservations. They survive.

Senator McCAIN. Dr. Bigpond, you will have to summarize at this point. I would appreciate it.

Mr. Bigpond. I just want to say, Mr. Chairman, because God created us to the people of the land who express gratitude and deserve to live in harmony and respect with this Earth, we have much to share. We must remember this will be history making and this will change our land, it will change everything.

Thank you.

[Prepared statement of Mr. Bigpond appears in appendix.]

Senator MCCAIN. Thank you very much, Dr. Bigpond.

President Thomas, the Congress of the United States years ago passed an apology in 1988 and apologized for the relocation and internment of Japanese Americans. One of the effects I saw associated with that resolution was a renewed publicity and interest of the American people about this terrible injustice that was done to Japanese Americans.

I believe that it is very likely that an apology to Native Americans could have the same effect because I am always astonished and disappointed when I find out how little Americans in general and even Federal officials in particular know about the history of our relationship with Native Americans, the treaties that we entered, the ones we broke, virtually all of them, and the unique requirements of our Constitution as well as solemn treaty obligations.

One of the beneficial effects in my view of a Resolution of Apology by both Houses of Congress, signed by the President of the United States, might shed more light and knowledge throughout America about the history of our relationship with Native Americans. Do you accept that theory?

Mr. Thomas. Without objection, Mr. Chairman, I move and ask unanimous consent that the bill be amended to include that language. What I am saying here is that the apology given by the Assistant Secretary in 2000 did not change even his own behavior toward Native Americans.

Senator MCCAIN. I think it is a very different thing, with all due respect, to an Assistant Secretary as opposed to a resolution signed by the President of the United States but please proceed.

Mr. Thomas. Yes; that was what I was leading into. We even tried during that period of time to get the President or even the Secretary of the Interior to join the effort and went no where. Very little has changed as a result of that.

The reason I was making that amendment is because if we were to include language that we are going to educate members of Congress and the public on these atrocities, yes, it will work but if we just pass resolutions with those of us in the room here, I believe it will be the same old thing.

Senator MCCAIN. One thing I can assure you, knowing Senator Brownback, if this resolution were passed by the Congress of the United States, it would not fade into obscurity very soon.

Chairman Hall, would you care to comment on my comment and then Dr. Bigpond?

Mr. Hall. I certainly agree with your statements, Mr. Chairman. This is truly historic. I never thought in my lifetime I would be testifying on behalf of a formal apology from the United States of the wrongdoings. As my fellow tribal leaders were testifying I was listening to their testimony and you are absolutely right. When you

think of the past and the wrongdoings and you do an apology for those wrongdoings, it sheds light and the light has not been shed that an apology would be passed by the U.S. Senate and clearly would bring us an opportunity.

I was just side-barring with Senator Brownback before the committee began and we talked about the Sand Creek. The Sand Creek is real, the Wounded Knee is real, the Trail of Tears, those are real. The various boarding school experiences where my own father was punished. This was not 200 years ago, it was one generation ago. Those are real places to visit after hopefully this resolution does pass and would clearly bring an opportunity for tribal leaders to join with members like Senator Sam Brownback and other Senate leaders of this apology resolution to shed the light and bring the focus and continue to help educate, inform and move things forward in a more positive manner than ever before. I certainly agree with that notion.

Senator MCCAIN. Could I add, I can't tell you the number of times constituents of mine have said, why don't we tax these Indian tribes, why do we allow them to have their own police force? These are not bad people. I don't detect in at least the overwhelming majority of them any racism. It is just lack of knowledge about solemn treaties that were entered into that guaranteed an exchange and nobody believes that it was a good deal, an exchange for vast lands that we would complete some obligations.

I am worried about Indian gaming but at the same time, I don't know any other way. I am worried about some of the things that are happening with Indian gaming, how big it has gotten. We are having a series of hearings on this but I don't know, if I thought the Federal Government was fulfilling its responsibilities for housing, education, health care, et cetera, I would have a very different view.

I am spinning off here but we want to make sure we do everything we can do to share the wealth on that issue and I am sure we will discuss that at another date.

Dr. Bigpond.

Mr. Bigpond. I also agree, Mr. Chairman. We have to look at this as the first step. This is history making. I know Edward Thomas' reasons are very real, there is no doubt about that. I understand that and applaud him, but this is the first step to many things. This is history making.

My hope is that the President of the United States will stand before all the chiefs, all the tribes and say, can you forgive our Government, our forefathers for how we treated you and how other countries would look at the United States of America in a totally different way. They no longer could use that as an asset or something to fuel their hate toward this great country.

I would just say to the Senate, they must look at the native people as the first Nation. We are a spiritual people, we are land people. We have authority over the land. It is always ours to us whether it was ceded or taken, whatever, it has always been our love.

When that apology is made, it gives the authority to move forward, not go backward. Our language is a song they sang on the Trail of Tears, always go forward, never look back as they were leaving their homeland and coming to Oklahoma.

I agree and I appreciate that very much.

Senator MCCAIN. President Thomas, have you still got your vil-
lages collapsing into the ocean because of the melting of the perma-
frost?

Mr. Thomas. Yes; very much so.

Senator MCCAIN. I want you to collar Senator Brownback on his
way out and tell him about climate change, would you?

Thank you for coming, Sam.

Mr. Thomas. Just another example, though, we had good momen-
tum going on getting rid of what is called the honey bucket situa-
tion in Alaska and all of a sudden now because of the Park pro-
gram that was in the agency that provided the funding, our fund-
ing got cut not because the people didn't need the sanitation facili-
ties but because the agency itself was not adequate. The same is
happening with the BIA programs. The inadequate management or
non-responsible management, we are going to get punished for that
even though we at the tribal level feel we have excellent manage-
ment.

Senator MCCAIN. I thank the witnesses and I intend to move for-
ward with consideration by the full committee on this resolution
very soon. Thank you.

The hearing is adjourned.

[Whereupon, at 11 a.m., the committee was adjourned.]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

PREPARED STATEMENT OF NEGIEL BIGPOND, SR.

I was born November 7, 1949, in Oklahoma and am a full blood member of the Euchee [Yucci] Tribe which was adopted into the Creek Nation. I am a descendant of Noah Gregory, peace chief of the Euchee Nation. I grew up in Okmulgee, OK and attended the Chilocco Indian Boarding School where I and many other native children were emotionally and physically abused. I am a business owner, and also a fourth generation minister from Methodist lineage to native people in 158 tribes, and to many non-native congregations. I held the position of human services director for the Creek Nation for 7 years, and am a certified drug and alcohol abuse counselor. Along with Dr. Jay Swallow [Southern Cheyenne/Sioux], I co-founded the Two Rivers Native American Training Center in Mounds, OK.

The beginning of my work on this Joint Resolution of Apology and hoped-for proclamation by President George W. Bush started in July 1997 in Oklahoma. During a conference a group of non-native individuals began to apologize to Dr. Jay Swallow and myself. This set off a major reconciliation move in Oklahoma which is still continuing.

This vast and great land now called America is troubled and filled with brokenness and disorders of many kinds—high rates of crime, violence and murder, a divorce rate at 50 percent of all marriages, broken families, middle class people struggling to make ends meet even in a “good” economic time, widespread depression, suicide now the third greatest cause of death among all teenagers, rampant substance abuse and addiction, and more men and women in prison than in any other western nation. Racism and ethnic troubles abound. Many youth sit “homeless” as both parents work long hours. New and deadly types of disease are entering society. Death waits at our door.

I believe that acknowledging past atrocities and asking the indigenous “first nations” people of this land for forgiveness is needed as a “first step” for a healing of the land now called America to be released. This will be a healing not just for Native American people, but all the people of this land—Black, white, Hispanic and Asian—all ethnic groups. Many ethnic and immigrant backgrounds have been involved since the “first contact” by Columbus and others.

My international travels have shown me that many countries know the story of the Native American people and have studied the treatment of the Native People by the Federal Government. Some are now using our broken history as fuel to develop hatred toward America.

Together, our purpose must be to heal the land and to remove the heaviness which I am sure that this Senate knows and deals with on a daily basis. The weight of the loss of millions of Native indigenous people, of our painful broken history, and the dishonor and disorder is great.

All of our peoples are in great need of healing, especially as we are going through so much, in war, not just overseas, but here on the home front. Hatred and terrorism stare at us. We live in a time of great fear. Fear always leads to anger, hatred and strife. This anxiety streams into all of our homes, Native and non-native alike.

In Native homes many of our children literally fight for life every day. With unemployment, alcoholism, drug addiction, suicide and accident rates very high, many homes have no mothers, or no fathers. Some might be physically there, but the love is not there, so the children turn to whatever is there for identity and release—false freedom. My people, our tribes, and our entire nation needs release and healing—true freedom.

While the Bureau of Indian Affairs has been a good help along the way, it has been an incomplete help. The Bureau is not authorized to issue the type of resolution and bring about the reconciliation now under consideration.

Members of the human family are not just mind and body. There is a spirit in each man, woman and child. We all know this in our hearts regardless of what we each think or believe. Just ask our warriors, our soldiers who are facing death today on the battlefields in Afghanistan, Iraq and many other places. And, the spirit of a person and of a people can be wounded and crushed.

Apology, the exchange of forgiveness, and a show of respect and honor always brings a fresh freedom to our spirits, our minds, and our bodies. Apology and reconciliation is good medicine to the heart of a person or a nation. America needs this heart medicine and spirit healing. The broken promises and history of all of our peoples needs healing.

Why? some of you ask, and say that apology is unnecessary because “the native people have been always been a part of this government.” No, this government has never made treaties in the name of “In God We Trust” with any other people group in this country and then broken them all—372 treaties with the Native Peoples—all broken! There has been no public apology to this day. No U.S. President has sought forgiveness. Only a few have even made private statements. You, members of the U.S. Senate, are taking a historic step forward.

Though Native soldiers have always courageously fought in above average ratios in the wars to defend this country and freedom—as is true in Iraq right now—this is not recognized. We are taken for granted. Evidence of the overall disregard and respect for Native Peoples is seen in the fact that we were not even granted U.S. citizenship until 1924. There has been no apology for this long-term rejection and dishonor. Our children know and feel this dishonor. Rejection causes sickness. Internal generational pain prompts mental disorder and causes the body to break down. There are unresolved root causes behind the sadness, the depression, the rampant diabetes, alcoholism and drugs and suicide. I know this as I pastor and look into the eyes of friends dying of diabetes.

The generational rejection we are suffering kills. On some reservations there are six or more suicides a month. Over the last decade an entire generation of young people was sacrificed to an epidemic of suicide on the Standing Rock Reservation in North Dakota. The poverty on some reservations is worse than in your inner cities. It is the hidden poverty that most in this Nation know nothing about, nor do they care to. The poverty twists your thinking. Joy drains away, and you lose hope and heart. The pain is so great that it deceives. Native teenagers begin to give up and start thinking that suicide is good, that ending their own life will help the family. Life expectancy on some reservations is as low as 40–45 years in some cases—this is in affluent America today! But many Native people are hidden away, and few see or care to see, and to know.

Many in the past, and many today still wish we would have been annihilated, and that we will yet die off. We were given diseased blankets on purpose, and many froze and died along the forced march on our Trail of Tears. Certainly the sometimes calculated decimation of the Native American peoples from upwards of 12 million to less than 4 million must be considered genocidal in nature? And, as in the Crusades and Jewish holocaust, many of the atrocities, massacres and forced removals came in the name of Christianity.

Col. John Chivington who led the Sand Creek massacre on the morning of November 29, 1864 was a Methodist preacher. U.S. Lieutenant James Connor and other of Chivington’s “Christian” soldiers have written eye witness accounts of how our pregnant women were disemboweled and mutilated, and how their private parts were cut out and proudly displayed as “war trophies.” This slaughter at Sand Creek, and others like it happened just days after Chief Black Kettle had met with white leaders and “made peace” and was told to just raise the U.S. flag and everything would be all right. Black Kettle gathered and tried to calm his people and raised the flag, and then the hail of bullets began and lasted all day. Few escaped, and most all that did were attacked again by “Christian” militia 4 years later at the Washita River massacre and finished off. Dr. Jay Swallow, my Southern Cheyenne/Sioux brother and co-founder of the Two Rivers Native American Training Center, is a direct descendant of the Sand Creek Massacre. His grandmother was one of the very few who escaped. She was a little girl and was hidden under a pile of wood.

She survived the long day of slaughter and told her grandson. Dr. Swallow is another witness that can speak of the deep generational pain that Native people still carry from the days of massacre and suffering.

Yes, our besieged Native people retaliated. Yes, there were atrocities on both sides. We are strong warriors, but you know how it is recorded that many of our Chiefs first welcomed you in peace. We also said that we would study you and see how your "message" made you live.

The Bible your forbearers carried to us teaches that Satan, the fallen one, comes to steal, kill, and destroy. That Jesus of Nazareth who died on the Cross, once for the forgiveness of all men and women, comes to bring life and blessing, and to share it abundantly. So, many Native people remain confused by Christianity, and by the "Christians" who came and took and "settled" our lands, and drove us away. We now call this wrong spirit "bad Christianity." It should not be surprising that most Native people still reject the "white man's God," and that many have returned to traditional Native religious practices. Some of us know that the Bible is the Word of Life from our Creator Father, and personally know Jesus Christ as Messiah and Lord, and are sorry for how many of our people cannot see Jesus and have rejected Him. By walking in ways of reconciliation and respect we are reintroducing Jesus and "good Christianity" to our Native people. The Bible is true, even if the spirit and past ways of many "Christians" was not right.

The truth remains that our Native people were not received and affirmed and released. I know this from many years of personal experience, from my work with Native people in 158 tribes, in many prisons, as a alcohol and drug abuse counselor, and as I pastor and try to build strong faith and repair families in my churches.

I know this from the humiliation and degradation I endured as a boy in the Chilocco Indian Boarding School. When I first arrived I was excited and happy to see so many young Natives in one place, with different languages and traditions, yet how we talked and laughed and built good relationships. Then we were forbidden to speak in our languages, had all of our hair cutoff into the "G.I." haircut, and the school took on a military and prison atmosphere. I was made to stay in an old dorm hut with broken windows. I knew very cold winters and very hot summers there. We got poorer and began to fight and steal from one another—the government gave clothes to some tribes, and not to others, so jealousy and envy entered in, and were turned against one another. Some fought and others withdrew into isolation.

We would try to stop the anger and bad feelings by drinking, or by sniffing glue, paint, or lighter fluid. If caught drinking or speaking our tribal languages or practicing our cultural traditions our privileges and even food were taken away. At times we were put on bread and water. Sometimes we were given a bit of cheese with the bread and water. We were put into solitary confinement and punished. I can remember one night I had to defend myself from one of the counselors who was trying to provoke me and start trouble so he could give me hours of work duty, or to make me stand all night in a corner, or on top of a one foot by one foot box with my nose to the wall. If we were caught sleeping, guards would walk up behind us and bang our heads into the wall. I received many bloody noses and cuts on my forehead. We were also made to scrub floors and walls with small hand brushes and even toothbrushes.

The emotional and mental abuse was very bad. We were made to feel that we were nothing. We were called "dogs" and "stupid" and "Indian" in an angry, degrading, and mocking voice. There was sexual abuse as well that I would rather not talk about. I choose not to go into the details of all that happened there. When released and I returned home I would cry a lot. I developed resentments toward my parents and turned against authority. I could not trust authority. I could not adapt to public school. Many teachers treated Native and white students differently. I fought with white students who thought and acted like they were better than me. I got into trouble.

I did go back to the school site in my later years after coming to a personal faith in Christ, getting reconciled with my parents. Some praying people came with me and helped me work through the issues and hurts and come into inner spiritual healing-reconciliation and healing is a process.

Please know that we can forgive, if asked. For The Indian Removal Act and the Trail of Tears, we can forgive, if asked. For the Sand Creek and other massacres, we can forgive, if asked. For the Indian School degradation and injustice, we can forgive, if asked.

Because God created us to be people of the land, who express gratitude and desire to live in harmony and respect with the earth, we have much to share and a great role to play in the healing of this Nation. We were 500 nations, and our Iroquois and other confederacies were examples that Benjamin Franklin and other of your

founding fathers studied. The word “caucus” springs from the manner of Native tribal government. Then, as now, it is good to sit together and peacefully seek for wisdom, sound counsel and direction to move forward.

I know it takes one who is strong to ask for forgiveness, especially if they feel they had nothing personally to do with past injustices. But now, as you draw from your authority, strength and courage, together we will change the history of the human family, and help heal all brothers and sisters—from here in Washington out across the whole of this continent.

To apologize and give honor where honor is due will displace the brokenness and blood guiltiness that is still crying out for justice. Respect and mutual regard will again flow between us, from one honorable nation to another. Our Native people are ready for this and desire this, but they just don’t trust in this because of the past history. But if they are shown and taken on this “first step,” then they will be able to believe again and will trust again.

Just imagine what the people of the world would think, say, and do—if they saw this reconciliation take place. What would happen if the President who represents all the people of this Nation would stand and ask a people who will not go away and who has not forgotten, and who cannot forget—“Can and would you forgive this Nation for the wrongs our forefathers did to your people?” This is honorable and will return honor. The nations of the world would then have to look at the United States of America in a whole different way, in a new light. It will be a new day. I know healing and turning history is very difficult for some, but not impossible.

Imagine a U.S. President standing before the great Native Nations of over 600 different tribes and saying, “We the people of the United States of America ask for your forgiveness—for the broken treaties, the massacres, and the forced removal of peoples from their lands—for forgiveness of these things that history records and tells us took place, so that we all might now live as One Nation Under God!” This will stir this world. Nothing like this has ever taken place in history with the force and reconciling impact over a nation as this will have.

While reconciliation is a spiritual walk, it also releases mental and physical results—real changes that all are able to see. Healing of the heart and times of refreshing will come. Before my mother died she called me to her side and said in our Euchee tongue: “Nean-zo-d-towel-ute.” This means: “You are like a river and without you I cannot exist.” That is a picture of covenant life together. It is time to be the One Covenant Nation of many peoples our Creator desires. We must go forward and not look back again. Together, let us take this first step. This Resolution of Apology gives us ground to walk forward on.

I respectfully submit this for the good of all our peoples—and for the healing of this whole land now called America.

REMARKS OF KEVIN GOVER AT THE CEREMONY ACKNOWLEDGING THE 175TH
ANNIVERSARY OF THE BIA SEPTEMBER 8, 2000

In March of 1824, President James Monroe established the Office of Indian Affairs in the Department of War. Its mission was to conduct the Nation’s business with regard to Indian affairs. We have come together today to mark the first 175 years of the institution now known as the Bureau of Indian Affairs.

It is appropriate that we do so in the first year of a new century and a new millennium, a time when our leaders are reflecting on what lies ahead and preparing for those challenges. Before looking ahead, though, this institution must first look back and reflect on what it has wrought and, by doing so, come to know that this is no occasion for celebration; rather it is time for reflection and contemplation, a time for sorrowful truths to be spoken, a time for contrition.

We must first reconcile ourselves to the fact that the works of this agency have at various times profoundly harmed the communities it was meant to serve. From the very beginning, the Office of Indian Affairs was an instrument by which the United States enforced its ambition against the Indian nations and Indian people who stood in its path. And so, the first mission of this institution was to execute the removal of the southeastern tribal nations. By threat, deceit, and force, these great tribal nations were made to march 1,000 miles to the west, leaving thousands of their old, their young, and their infirm in hasty graves along the Trail of Tears.

As the Nation looked to the West for more land, this agency participated in the ethnic cleansing that befell the western tribes. War necessarily begets tragedy; the war for the West was no exception. Yet, in these more enlightened times, it must be acknowledged that the deliberate spread of disease, the decimation of the mighty bison herds, the use of the poison alcohol to destroy mind and body, and the cowardly killing of women and children made for tragedy on a scale so ghastly that it

cannot be dismissed as merely the inevitable consequence of the clash of competing ways of life. This agency and the good people in it failed in the mission to prevent the devastation. And so great nations of patriot warriors fell. We will never push aside the memory of unnecessary and violent death at places such as Sand Creek, the banks of the Washita River, and Wounded Knee.

Nor did the consequences of war have to include the futile and destructive efforts to annihilate Indian cultures. After the devastation of tribal economies and the deliberate creation of tribal dependence on the services provided by this agency, this agency set out to destroy all things Indian.

This agency forbade the speaking of Indian languages, prohibited the conduct of traditional religious activities, outlawed traditional government, and made Indian people ashamed of who they were. Worst of all, the Bureau of Indian Affairs committed these acts against the children entrusted to its boarding schools, brutalizing them emotionally, psychologically, physically, and spiritually. Even in this era of self-determination, when the Bureau of Indian Affairs is at long last serving as an advocate for Indian people in an atmosphere of mutual respect, the legacy of these misdeeds haunts us. The trauma of shame, fear, and anger has passed from one generation to the next, and manifests itself in the rampant alcoholism, drug abuse, and domestic violence that plague Indian country. Many of our people live lives of unrelenting tragedy as Indian families suffer the ruin of lives by alcoholism, suicides made of shame and despair, and violent death at the hands of one another. So many of the maladies suffered today in Indian country result from the failures of this agency. Poverty, ignorance, and disease have been the product of this agency's work.

And so today I stand before you as the leader of an institution that in the past has committed acts so terrible that they infect, diminish, and destroy the lives of Indian people decades later, generations later. These things occurred despite the efforts of many good people with good hearts who sought to prevent them. These wrongs must be acknowledged if the healing is to begin.

I do not speak today for the United States. That is the province of the Nation's elected leaders, and I would not presume to speak on their behalf. I am empowered, however, to speak on behalf of this agency, the Bureau of Indian Affairs, and I am quite certain that the words that follow reflect the hearts of its 10,000 employees.

Let us begin by expressing our profound sorrow for what this agency has done in the past. Just like you, when we think of these misdeeds and their tragic consequences, our hearts break and our grief is as pure and complete as yours. We desperately wish that we could change this history, but of course we cannot. On behalf of the Bureau of Indian Affairs, I extend this formal apology to Indian people for the historical conduct of this agency.

And while the BIA employees of today did not commit these wrongs, we acknowledge that the institution we serve did. We accept this inheritance, this legacy of racism and inhumanity. And by accepting this legacy, we accept also the moral responsibility of putting things right.

We therefore begin this important work anew, and make a new commitment to the people and communities that we serve, a commitment born of the dedication we share with you to the cause of renewed hope and prosperity for Indian country. Never again will this agency stand silent when hate and violence are committed against Indians. Never again will we allow policy to proceed from the assumption that Indians possess less human genius than the other races. Never again will we be complicit in the theft of Indian property. Never again will we appoint false leaders who serve purposes other than those of the tribes. Never again will we allow unflattering and stereotypical images of Indian people to deface the halls of government or lead the American people to shallow and ignorant beliefs about Indians. Never again will we attack your religions, your languages, your rituals, or any of your tribal ways. Never again will we seize your children, nor teach them to be ashamed of who they are. Never again.

We cannot yet ask your forgiveness, not while the burdens of this agency's history weigh so heavily on tribal communities. What we do ask is that, together, we allow the healing to begin: As you return to your homes, and as you talk with your people, please tell them that time of dying is at its end. Tell your children that the time of shame and fear is over. Tell your young men and women to replace their anger with hope and love for their people. Together, we must wipe the tears of seven generations. Together, we must allow our broken hearts to mend. Together, we will face a challenging world with confidence and trust. Together, let us resolve that when our future leaders gather to discuss the history of this institution, it will be time to celebrate the rebirth of joy, freedom, and progress for the Indian Nations. The Bureau of Indian Affairs was born in 1824 in a time of war on Indian people. May it live in the year 2000 and beyond as an instrument of their prosperity.

PREPARED STATEMENT OF TEX HALL, PRESIDENT, NATIONAL CONGRESS OF AMERICAN INDIANS

Dosha! Good morning Chairman McCain, Vice Chairman Dorgan, and members of the committee. My name is Tex Hall, and I am president of the National Congress of American Indians and chairman of the Mandan, Hidatsa and Arikara Nation of North Dakota.

NCAI is the oldest and largest American Indian organization in the United States. I sit before you today representing over 250 tribal governments and thousands of Indian people. NCAI was founded in 1944 in response to termination and assimilation policies that the United States forced upon the tribal governments in contradiction of their treaty rights and status as sovereign governments. Today NCAI remains dedicated to protecting the rights of tribal governments to achieve self-determination and self-sufficiency.

On behalf of NCAI, thank you for giving me the opportunity to testify in regard to S.J. Res. 15, which would acknowledge the many misdeeds of the United States in its interaction with Native Americans and recognize and honor the importance of Native Americans to this land and to our nation—in the past and today. I also want to thank Senator Sam Brownback for his leadership in introducing this resolution and Senators Boxer, Dodd, Inouye, Dorgan, Cochran, and Akaka for cosponsoring the Apology Resolution.

We all know the atrocities wrought against Native people in the United States—the holocaust, the land theft, the forced removals, the boarding school experience completely wiping out the language and cultures of our Native brothers and sisters, the broken treaties, and the attempts to undermine our status as sovereign nations. Passage of the Apology Resolution would mark the Federal Government's first effort to extend an official apology for the years of wrongdoing in interactions with Indian tribes.

It is a long-time coming.

A similar Apology Resolution enumerating the various wrongdoings of the United States Government in relation to the Native Hawaiians and the Kingdom of Hawai'i was passed and signed into law by President Clinton in 1993. The Canadian Government likewise apologized to its First peoples in 1998.

The NCAI leadership worked with Congressional leadership in the last Congress to analyze the impact of this landmark resolution, which was first introduced during the 108th Congress by Senator Brownback, for himself, Senator Ben Nighthorse Campbell, and Senator Inouye. NCAI solicited responses to the proposed language from tribal leaders and facilitated discussion among tribal leadership and Congress on the issue. Tribal leadership across Indian country continues to give a variety of responses to the Apology Resolution, and I would like to share some of those responses with you today.

First, it is important to recognize that the intensity of the reaction of tribal leaders to the Apology Resolution demonstrates that the destructive policies addressed in this resolution are not a fading distant past for Indian peoples; they are present harms that continue to be felt in very real ways every day. We continue to live with the legacy of the Federal Government's misguided policies of the past, as well as present day policies that undermine our ability to live as robust, healthy, self-determining peoples. Tribal leaders have stressed that the apology must recognize contemporary, and not just historical, problems in Indian-government relations.

Many government policies continue to reflect a reluctance to truly recognize tribes as sovereigns. For example, tribes, unlike other governments, are limited in their ability to raise money by issuing tax exempt bonds. Tribes are also left out of the funds that the Federal Government has directed to every State in this Nation for emergency response and homeland security. Tribal law enforcement agencies do not have the jurisdiction and resources they need to protect public safety, and recent Supreme Court decisions have blurred the lines of jurisdiction at the borders between state and tribal lands.

Tribal leaders have commented that an apology may be the first step in a reconciliation process between tribes and the U.S. Government, but for this to be true, the apology must be more than just words on paper. There is a lot of unfinished business that must be attended to before true reconciliation can be achieved. As one tribal leader has said, apologizing does not in any way wipe the slate clean or let anyone off the hook.

I had the opportunity recently to testify before this committee on the President's proposed budget for fiscal year 2006. As I said at the time, Indian people are deeply disappointed that this budget does not support strong tribal self-government and self-determination. The President has proposed drastic budget cuts to many of the programs that are vital to the health and well-being of our people. For example,

American Indians and Alaska Natives have a life expectancy 5 years less than all other races in this country and suffer from high rates of diabetes, heart disease, suicide, cancer, and alcoholism. Despite these health disparities, the per capita expenditure for American Indian and Alaska Native medical services is less than one-third of the average annual expenditure for individual Medicaid assistance, and is even less than the Nation's per capita health expenditure for Federal prisoners. These programs are guaranteed to us by solemn treaties and tribes paid for these services by ceding about 3 billion acres of land to the Federal Government. A strong Federal commitment to make good on old promises to provide resources for services, prevention programs, and health care facilities is badly needed to turn around the troubling health statistics in Indian country and is an important step toward reconciliation.

To many, an apology rings hollow when the U.S. Government is continuing to fail to fulfill its treaty promises. Only when coupled with a continued commitment to the government to government relationship and to Federal Indian programs like health, education, and housing, can the Apology Resolution truly begin to make a meaningful difference for Indian tribes. Otherwise, as one tribal leader put it, the resolution will be like apologizing for stepping on someone's foot while you continue to stand on it.

The message I would like to leave you with today is that passage of the Apology Resolution may be an important and meaningful first step toward reconciliation. Native Americans have come through extraordinarily trying times over the past two centuries, and we have emerged strong. Native Americans are the fastest growing segment of the population by percentage—in the face of policies aimed at ensuring our destruction, we have chosen survival. However, we have a long way to go. An apology implies a recognition that an injustice occurred. And the importance of this recognition cannot be underestimated. It also implies, however, that there is a will to try to do something about the harms that are caused by that injustice. True healing must begin with a recognition of the harm, but it cannot stop there. An apology cannot substitute for upholding the hundreds of treaties made with Indian nations and fully living up to the Federal trust responsibility. Tribal leaders have cautioned that the apology will be meaningless if it is not accompanied by actions that begin to correct the wrongs of the past and the present. Indian sovereignty is still under threat and Indian people are still being left behind in this country. We look forward to working with you as we move forward in taking the next steps toward reconciliation and securing the future for Indian peoples.

PREPARED STATEMENT OF EDWARD K. THOMAS, PRESIDENT CENTRAL COUNCIL OF
THE TLINGIT AND HAIDA INDIAN TRIBES OF ALASKA

Greetings from Alaska! My name is Edward K. Thomas. I am the elected president of the Central Council of the Tlingit and Haida Indian Tribes of Alaska, a federally recognized Indian tribe of more than 26,000 tribal citizens. Southeast Alaska is the ancestral homeland of the Tlingit and Haida people. I have been the president of my tribe since 1984. I have been managing Federal program contracts and grants since 1975.

First, let me thank this very distinguished committee for holding this hearing on an apology to Native Americans by the United States.

Second, thank you for the invitation to express my views on this effort.

Webster's College Dictionary defines *apology* as: An expression of regret for having committed an error or rudeness.

In order to appreciate this definition we need to look at what *regret* means: To feel sorrow or remorse for an act.

In the instance of this apology it is clear that some in the U.S. Government are sorry and remorseful for the errors and rudeness of past years toward Native Americans while others are not.

I have concluded that the majority of Federal officials are not really sorry or remorseful in the deeds of the United States toward Native Americans. If there was indeed widespread sorrow and remorsefulness in the Federal Government on the wrong-doing to Native Americans then:

- The Congress and the President would have stepped forward and adopted apology legislation at the first suggestion of an apology.
- The constant erosion of tribal sovereign rights and powers in favor of states' rights and powers would have been stopped.
- The "Third-World" conditions that exist in Indian country would have been eradicated by now through meaningful increases in appropriations in Indian programs.

- The advice of tribal leaders would be taken seriously. “Tribal Consultation” is a meaningless process when words are spoken but no positive action is taken.
- There are a number of serious problems that continue in the relationship between our people and the United States. An apology to us while ignoring the Third-World conditions of so many of our people somehow just doesn’t seem genuine:
- We have to sue the United States time and again over indirect cost moneys that laws mandate that the Government give to us automatically to run Federal programs.
 - United States courts rule in favor of states’ rights at the expense of Native American rights much of the time even though the doctrine of tribal rights and powers have supposedly been settled decades ago by earlier court rulings that were favorable to tribes.
 - Study after study shows that Federal funding to our people is less than the funding to the rest of the population on a per capita basis, yet it makes no difference to those who allocate funding for our needs.
 - Federal prisoners get more healthcare dollars per capita than Native Americans.
 - There is absolutely no reason why the Federal tax laws can’t be amended to make it ultimately clear that all federally recognized tribes have the same status as States.
 - I don’t see appropriations bills introduced to provide full funding to indirect costs notwithstanding findings in our favor in the *Cherokee* Case.
 - Tribal leaders asked the President and the Congress not to take valuable Federal program money appropriated to address serious social and economic problems in Indian country to fix the Trust Management problems it created for itself through mismanagement, yet tribal programs have been taxed to pay for Bureau of Indian Affairs [BIA] Trust Management reform and reorganization.
 - There are no promises that there will be total appropriations for any settlement of the *Cobell* Case. If there is a court settlement or a legislative settlement much of the money to settle will most likely come out of existing Indian programs just like what is happening in the funding of the Office of the Special Trustee.
 - All of Indian country gets a bad grade from the appropriators based entirely on the management weaknesses in the Department of the Interior—BIA. Even now the Office of Management and Budget [OMB] is scoring their Program Assessment Rating Tool [PART], relying entirely on BIA Central Office abilities to generate reports and statistics that accurately reflect program value in Indian country. Absolutely no value is given to how well or poorly tribal governments are doing relative to the scoring criteria.
 - Needless to say I can go on and on but you get the picture.

While I applaud your personal interest and commitment to making things right on this topic I must say that I have difficulty with spending so much time, precious government resources, and political cards on such extensive talk on an apology. There are so many other important issues in Indian country that do not get proper consideration due to limited time.

There are so many other important challenges facing my people that I truly wish there was more time to talk to you and the whole Congress about these issues in a forum similar to this. As this nation faces some very challenging times due to Federal budget deficits we don’t talk enough about the impact of this reality on this nation’s first peoples. I am not suggesting that benefits to Native Americans increased in times of surplus because they don’t what I am saying it that history shows that problems in our poverty stricken Indian communities increase during times of Federal budget deficits and reduced domestic spending. It appears to me that the efforts of trying to secure an apology from the United States is dreadfully distracting from our important issues instead of drawing more focused attention to the gravity of human problems in Indian country.

The best thing that could possibly come out of an apology is the United States improving its treatment and strengthening its relationship with Native Americans as a result of the apology. I fear, however, that if an apology does come it will be perceived by many Federal officials that this is a closure to the Federal responsibilities to our people. I worry that uninformed, wellmeaning law makers will respond to our future requests for help in addressing the problems of our needy as though these requests are above and beyond reasonability; saying, “We already apologized for helping create those deplorable situations, what more do they want?” This happens even now. Some feel that because there is a BIA that all of the needs of our people are being addressed. Most are not aware that funding to the BIA has lost

ground to inflation for over 25 years while the cost of doing business in Indian country has gone up at the same rate.

If this Nation apologizes to Native Americans for past decades and centuries of wrongdoing to Native Americans will I accept it on behalf of our people? Out of respect to you and others in Congress who are sincere: Yes!

Do I feel good that things will be good after an apology and our relations will improve? No. The only way this could happen is if there was language in an apology legislation making it ultimately clear that an action plan would be put in place immediately to effectively eradicate the social and economic problems in Indian country and then Federal programs would be put in place and appropriated based on real need and not just comparing new efforts to the past performance of the BIA.

Please read the attached article by D. Bambi Kraus on an apology by former Assistant Secretary Gover.

I apologize if I have offended anybody in my comments. I do not intend to paint a sensationalized negative picture of the Federal relationship to Indian country but, rather, I am attempting to reincorporate a degree of realism in our thinking when it comes to an apology. I am very concerned that these efforts draw so much precious time away from the real problems in Indian country and there is indeed great need to spend more time talking about our important issues. I am grateful for things that the United States has done for our people in the past but, working together, more can and should be done to improve conditions in Indian country.

Thank you for the opportunity to share my thoughts with you today.

Gunalcheesh! Howa!

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