

Respect

FALL 2022 VOL 22 NO. 1

A DIVERSITY NEWSLETTER PUBLISHED BY NEW JERSEY STATE BAR FOUNDATION

Coping with the Tragedy of Indian Boarding Schools *by Daryl E. Lucas*

Imagine being taken from your family, told you can't speak the language you've always spoken, wear the clothes you've always worn, observe the cultural traditions you've always held, and you would now be called by a different "American" name. That was the reality for tens of thousands of Native American children in the United States from 1819 to 1969.

In June 2021, U.S. Department of the Interior Secretary Deb Haaland, a member of Laguna Pueblo who is the first Native American to hold a U.S. cabinet position, announced that her department would launch an investigation—the Federal Indian Boarding School Initiative—into the United States' federal Indian boarding school system, which was established in the early 1800s. A report detailing the department's findings would follow in one year.

Secretary Haaland was prompted to act when the remains of nearly 1,000 **indigenous** children were uncovered at two Canadian Indian residential schools in 2021. Canada had a system similar to the United States, where Indian children were forced to **assimilate**, abandoning their Indian heritage to adopt more "mainstream beliefs and values."

Secretary Haaland said the investigation would "address the inter-generational impact of Indian boarding schools and promote spiritual and emotional healing in our communities. We must shed light on the

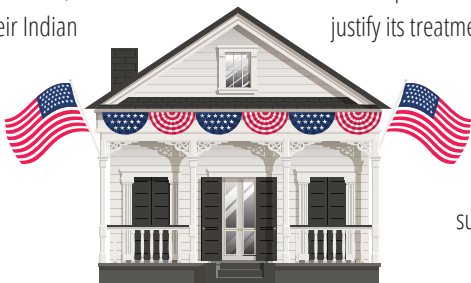
unspoken traumas of the past. No matter how hard it will be."

First some history

In 1493, Pope Alexander VI issued the Doctrine of Discovery, a decree granting permission to Christian nations to invade, occupy and enslave non-Christian subjects in the New World. Gary Pitchlynn, an adjunct professor at the University of Oklahoma's College of Law and a member of the Choctaw Nation, notes that the doctrine was in place when the colonists arrived to the New World in 1607. He explains that the United States used the Doctrine of Discovery to justify its treatment of indigenous people.

"The Doctrine of Discovery was used by the U.S. government and the courts as justification for conquering the indigenous people to a status of wards of the federal government and by constitutional design subject them to the whims of Congress," says Professor

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Athletes Navigate Transgender Sports Bans *by Emily Pecot*

Participation in sports—from Little League to high school to the collegiate level—is about more than just winning. Involvement in sports promotes life skills such as discipline, responsibility, self-confidence, and teamwork.



According to *Inside Higher Education*, there are currently 20 states that limit or ban transgender athletes in grades K-12 from participating in

sports that align with their gender identity. The constitutionality of these bans is being challenged under Title IX, the landmark gender equality law enacted in 1972, which prohibits discrimination based on sex in any educational program receiving federal funding.

First, a few terms to keep in mind. Transgender refers to a person whose gender identity and/or their expression of gender is different from the gender they were assigned at birth. In other words, a transgender girl is someone who was assigned the male gender at birth but identifies as a girl

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or female. Cisgender is the term used to describe someone whose gender identity matches the sex they were assigned at birth. A cisgender girl, for example, is someone who was assigned the female gender at birth and also identifies as female.

In June 2022, President Joseph R. Biden expanded protections under Title IX to include discrimination based on gender identity. The administration's guidelines, however, fell short of expanding protections to transgender athletes. The Department of Education has stated it "will engage in a separate rulemaking process to address Title IX's application to athletics." No timeline has been defined for that process.

Supporters and opponents of transgender

sports bans both claim Title IX supports their argument. Opponents of the bans argue that transgender girls are being denied the opportunities that playing sports provides, something that they say is protected under Title IX. Supporters of the bans say Title IX is meant to protect fair competition for women and girls and that transgender female athletes have an unfair physical advantage over cisgender athletes.

Garden State a touchstone

In 2009, the New Jersey State Interscholastic Athletic Association (NJSIAA) outlined broad gender definitions and policies on transgender athletes. According to Robyn Gigl, an attorney and advocate for transgender equality who consulted with the NJSIAA in updating its guidelines in 2017, New Jersey's policy is widely considered a touchstone for states seeking inclusivity.

The NJSIAA guidelines allow transgender students to “play sports consistent with either their birth sex or their gender identity, but not both.” For example, if a transgender girl opts to play girls’ field hockey, she cannot then play boys’ basketball. According to the rules laid out by the NJSIAA, the decision regarding participation must be made before the transgender student tries out for or practices with a team.

Gigl, who serves on the Board of Directors of Garden State Equality, an LGBTQ+ rights organization, says, “In New Jersey, a student doesn’t need to rely on shifting Title IX interpretations because the student is protected under New Jersey state law and the NJSIAA policy.”

Other states, such as Connecticut, have cemented policies with wider gender definitions that do not restrict

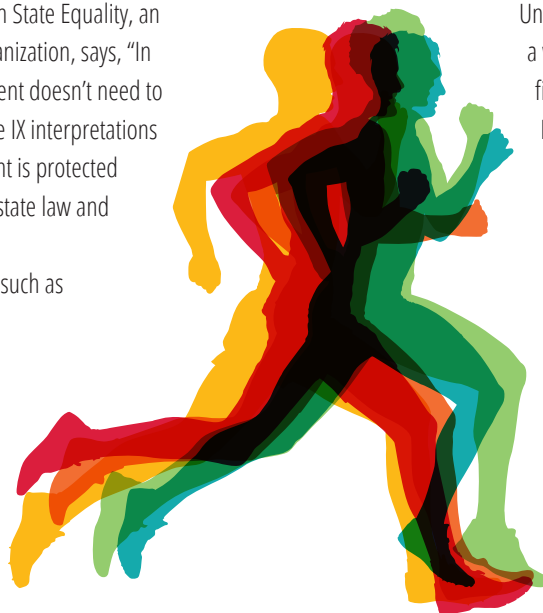
participation based on assigned gender at birth. In 2021, the U.S. District Court the District of Connecticut dismissed a lawsuit that sought to ban two transgender girls from competing in high school track. The lawsuit, which claimed that transgender girls had an unfair advantage over cisgender girls, was dismissed on procedural grounds since the two transgender athletes had already graduated by the time the court considered the matter. The case was **appealed** to the U.S. Court of Appeals for the 2nd Circuit and oral arguments were heard in September 2022. That court will decide whether to uphold the lower court's dismissal or send it back so the case can be heard.

According to Gigl, to date, she is unaware of any court challenges to the NJSIAA's guidelines; however, in 2021 New Jersey lawmakers introduced the Fairness in Women's Sports Act. The bill would require that "participation in school-sanctioned sports be based on biological sex at birth." The proposed **legislation** has, so far, failed to move forward.

State bans

In March 2020, Idaho passed the Fairness in Women's Sports Act (HB 500), becoming the first state to ban transgender athletes from participating in girls' sports from kindergarten through college.

The American Civil Liberties Union (ACLU) and Legal Voice, a women's rights group, filed a lawsuit on behalf of Lindsay Hecox, a transgender female runner at Boise State University, claiming HB 500 violates Hecox's rights under Title IX. In August 2020, the U.S. District Court for the District of Idaho issued a preliminary **injunction** against the law. In July 2022, the same court ruled that Hecox's case can move



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**This publication was made possible
through funding from the
IOLTA Fund of the Bar of New Jersey.**

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forward while the law remains blocked, returning it to the Ninth Circuit which had **remanded** it to the lower court for the limited purpose of addressing whether the claim could proceed.

Madison Kenyon, a cisgender female who runs track and cross-country for Idaho State University, signed on to the case asking that the law be **upheld**. In an interview with National Public Radio (NPR), Kenyon said she is just fighting to preserve the integrity of women's sports.

"To step on the field and have it not be fair and

to get beat by someone who has advantages that you'll never have, no matter how hard you train—it's so frustrating," Kenyon said.

In the same NPR article, Hecox revealed that she is medically suppressing her testosterone levels.

"I know I'm not as fast as I used to be," Hecox said. "And when they have that presented to them and they still don't want me to run, it's just downright exclusionary. I don't know how else to convince someone if they still think I have an advantage that's not there."

Advocates argue that whatever advantage transgender women may have over cisgender women in sports, it is no more of a benefit than other athletic advantages. For example, a tall basketball player has an advantage over a shorter player and some right-handed athletes have advantages over left-handed ones.

The question is when do some advantages become unfair. The science on whether transgender athletes have unfair advantages over cisgender athletes is still in its infancy.

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Title IX Turns 50

It's only one sentence long, but Title IX has packed a punch for the past 50 years.

President Richard Nixon signed Title IX into law on June 23, 1972, as part of the Education Amendments of 1972, which amended the Higher Education Act of 1963. Title IX states: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

The law covers most K-12 schools, as well as vocational schools, colleges and universities, ensuring equity between men and women. While athletics is most associated with Title IX, it applies to other areas of education, including employment, discrimination in admissions, financial assistance, as well as how sexual assault and violence on college campuses are reported and handled.

Before Title IX

Before this landmark legislation, girls and women were discriminated against in college admissions, scholarships and what types of courses they could take, according to the Equity Resource Center. Some universities even had separate entrances for male and female students and most medical and law schools admitted fewer than 15 women per year. In addition, several fields of study were, for the most part, not available to women, including math and science.

In 1971, 18% of women obtained four-year college degrees. In 2021, that number reached 39%. The percentage of women who obtained medical, or law degrees was slim in 1971—9% for the medical field and 7% for the legal field. In 2021, according to the Association of American Medical Colleges, the number of female medical students reached nearly 52%. According to the American Bar Association, women outnumbered men in law school in 2020, with women making up a little more than 54% of all law students.



Patsy T. Mink, a representative from Hawaii and the first Asian American woman and woman of color in Congress, was one of the major forces behind the passage of Title IX. Rejected from medical school, Mink became a lawyer instead and eventually entered politics. After her death in 2002, the official name of Title IX was changed to the Patsy T. Mink Equal Opportunity in Education Act.

Gains made on the field

While the word "sports" doesn't appear in Title IX, the word "activity" does. Requiring schools to provide equal access for boys and girls to all activities was determined to include sports. Because of that, Title IX has been most associated with providing opportunities for girls in athletics.

According to the Women's Sports Foundation, less than 295,000 girls played high school sports nationwide in 1972, compared to 3.6 million boys. In the 2018-2019 school year, more than 3.4 million girls played high school sports, compared to approximately 4.5 million boys. Here's a fun fact: Women athletes made up 48% of the Olympians at the 2020 Tokyo Summer Olympics (held in 2021 due to the pandemic), the highest percentage to date.

Future of Title IX

Today, the LGBTQ+ community is looking to Title IX for protection. While the Biden Administration expanded protections under Title IX to include LGBTQ+, specifically citing discrimination based on gender identity, it made no mention of protection for transgender athletes. A ruling on that is expected to come later.

Members of the public were allowed to comment on the administration's policy and by the deadline for public comment, the Department of Education had received nearly 236,000 responses—in support and opposition.

—Jodi L. Miller

Voter Suppression: No Voice, No Representation *by Sylvia Mendoza*

The U.S. Constitution established the United States as a democratic republic, meaning that representatives of our government—federal, state, and local—are elected by its citizens. Voting, in fact, is considered a civic duty and the way that citizens can make their voices heard.

“We get to decide together who will represent us,” says Henal Patel, an attorney and director of the New Jersey Institute for Social Justice’s Democracy & Justice Program.

But “deciding together” has not been an easy road. The passage of election interference legislation emerged after the 2020 presidential election, but variations of voter suppression tactics have existed since our nation’s founding. For example, during the Reconstruction period after the Civil War, the 15th Amendment to the U.S. Constitution was passed, giving Black men the right to vote. Thereafter, many state legislatures passed **poll taxes** which required that people pay a fee to vote. The poll tax effectively **disenfranchised** many poor people—both Black and white.

Other past examples of voter suppression include literacy tests and grandfather clauses. Literacy tests, first introduced in 1890, which proponents contended were implemented to make sure that a potential voter could read, were given at the discretion of election officials. These officials determined if an applicant passed or failed. Grandfather clauses were passed in several Southern states after the Civil War, including Alabama, Georgia, Louisiana, North Carolina, Oklahoma and Virginia. The clauses said that you could not vote unless your grandfather had voted prior to January 1, 1867. Obviously, this excluded the formerly enslaved.

Today, voter suppression tactics include long lines with unrealistic wait times at polling places on Election Day, often in communities of color; canceling election same-day registration; limiting the type of voter IDs accepted; threats and harassment directed at election officials; and prohibiting mail-in ballots.

“This is what voter suppression looks like,” says Patel. “Millions of people are denied the right to vote.”

Interfering with elections

According to the Brennan Center for Justice, a nonprofit law and public policy institute that aims to protect elections and end voter suppression, many state legislatures are currently focused on passing election interference laws. In 2022, six states—Alabama, Arizona, Florida, Georgia, Kentucky, and Oklahoma—enacted nine election interference laws, according to the Brennan Center. Those nine laws, the Brennan Center says, “permit **partisan** actors to interfere with election operations or overturn election results, direct new resources

toward prosecuting election crimes, and threaten election officials with criminal penalties.”

Proponents of these laws argue they are needed to protect against voter fraud. Of the nine laws passed by state legislatures, seven will be in place in time for the November 2022 midterm elections. In addition, 27 states in total have introduced more than 148 election interference bills, the Brennan Center says. Some are moving through state legislatures and could become law.

Democracy hinges on the electorate accepting the results of free and fair elections. Voting advocates argue that election interference laws sow seeds of doubt among voters to suppress turnout.

“A representative democracy cannot function if citizens do not trust that the process of electing representatives accurately reflects the will of the people,” says Dr. Lorraine Minnite, a professor at Rutgers Law School—Camden who is an expert on

voter suppression and voter fraud. She has written two books on the subject, *The Myth of Voter Fraud* and *Keeping Down the Black Vote: Race and the Demobilization of American Voters*. “Efforts to destroy that trust weaken our democracy.”

Policing elections

Some governors and state legislatures are also creating new law enforcement agencies to aggressively pursue voter fraud allegations, even though widespread voting fraud has not been substantiated. For example, in April 2022, Florida Governor Ron DeSantis signed a bill creating an election police unit, which will be comprised of 15 staff members and 10 police officers, who will be dedicated to investigating election crimes. This new department will cost Floridians \$3.7 million, despite Florida’s secretary of state referring only 75 fraud complaints in 2020 to law enforcement out of 262 total complaints, according to a New York Times investigation.

In Arizona, an election integrity unit was formed after the 2018 midterms when there were significant wins for Democrats. After three years, the unit investigated more than 2,000 complaints and prosecuted just 20 cases. Studies have shown that many cases of voter fraud are mistakes. In fact, a report from the Brennan Center found that a large number of incidents of voter fraud can be traced to clerical errors.

Voter fraud, according to Dr. Minnite, is rare because there is little to gain



Voter Suppression CONTINUED FROM PAGE FOUR

since voting more than once will most likely not change the outcome of any election. Two investigations—one conducted by *The New York Times* and another by the Associated Press—found no evidence of voter fraud in the 2020 election. The Associated Press analysis, which focused on the 25.5 million votes cast in the six battleground states—Arizona, Georgia, Michigan, Nevada, Pennsylvania and Wisconsin—revealed fewer than 475 possible claims of fraud.

Election police and election integrity units “are misguided and potentially damaging to the voting process because the presence of this law enforcement effort when there is no crime being committed can have the effect of intimidating voters and thereby depressing the turnout,” according to Dr. Minnite.

Dr. Minnite says that there are safeguards against voter fraud in most states and there have been for decades, which is another reason that voter fraud is rare. Those safeguards include routine voter list maintenance and post-election audits.

“The irony is that in a democracy, the integrity of elections depends not only on a fraud-free voting process, but just as importantly on a full and robust turnout,” says Dr. Minnite. “Voter suppression through rules that make it unnecessarily difficult for some people to vote, or through the creation of a voting environment that is potentially threatening, such as one that could be cultivated by the presence of unnecessary election police, are much larger problems in U.S. elections than any threat of voter fraud.”

Moving the needle

The Democracy & Justice Program that Patel oversees has been working on giving back the right to vote to those who are incarcerated. New Jersey has the worst Black to white incarceration rate in the country, with 61% of those incarcerated being Black when the general population is only 15% Black, she says.

“It’s not a coincidence that the bulk of mass incarceration are Black and brown people who cannot vote,” Patel says. “Our body of work helps to build a multicultural democracy in New Jersey so that everyone can have a voice at the table.”

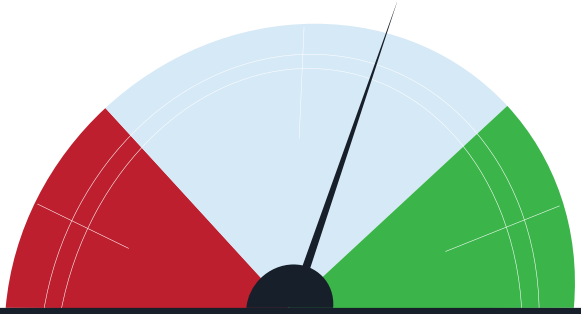

Patel believes that change can happen at the grassroots level to fight against voter suppression practices.

“If an entire group gets involved, they can move the needle,” says Patel.

Still, Patel points out that in the last three years there have been a flurry of laws that make it harder to vote and target marginalized people.

In July 2022, the U.S. Justice Department filed a lawsuit against the State of Arizona challenging voting restrictions imposed by House Bill 2492, which requires proof of citizenship in order to vote. The Justice Department contends that the law, which is scheduled to take effect in January 2023, violates the National Voter Registration Act of 1993 and parts of the Civil Rights Act of 1964. Documenting proof of citizenship is especially hard for Native Americans, voting advocates note. Someone born on a reservation may not have a proper birth certificate so have no way to prove citizenship.

“Voting is a right, not a privilege,” says Patel. “And democracy is fragile. It requires all of us to defend it outright.” •

1. People who support enacting “election interference laws” say they are necessary to prevent voter fraud, while opponents argue these laws keep many people from voting. What steps do you think could be taken to prevent voter fraud in a way that does not infringe on the right to vote for all citizens?
2. Do you think voting is important? Explain your answer.
3. Americans have the right to vote for whatever government official will represent their interests on issues they care about. List three issues that you would want to know a potential candidate’s views. Explain why each issue is important to you.



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How many transgender athletes?

According to the UCLA School of Law's Williams Institute, a research center that focuses on sexual orientation and gender identity law, there are 1.6 million people aged 13 or over who identify as transgender in the U.S. This represents less than 1% of the U.S. population. The Centers for Disease Control and Prevention estimated in 2019 that 1.8% or approximately 275,000 high school students nationwide identify as transgender. Fewer than 15% of all transgender students play sports, according to the Human Rights Campaign, an LGBTQ+ advocacy group. While much of the focus in the headlines has been on transgender girls/women athletes, there are transgender boys/men athletes competing as well.

In many states, transgender sports bans have been passed to bar very few—in some cases just one—transgender athletes from competing. For example, Utah passed a transgender sports ban in March 2022. Utah Governor Spencer Cox **vetoed** the bill; however, the Utah Legislature **overrode** his veto. In a letter explaining why he vetoed the bill, Governor Cox pointed out that there were only four transgender students in the state asking to compete.

"Four kids who are just trying to find some friends and feel like they are a part of something. Four kids trying to get through each day," Governor Cox wrote. "Rarely has so much fear and anger been directed at so few. I don't understand what they are going through or why they feel the way they do. But I want them to live."

In August 2022, a Utah judge temporarily blocked the ban after a lawsuit challenging it

was filed by the American Civil Liberties Union, the National Center for Lesbian Rights, and two transgender girls seeking to compete on their high school girls' teams. While the case makes its way through the court system, it will remain blocked. In the meantime, the Utah Legislature set up a commission to make decisions on a case-by-case basis as to which transgender athletes can compete.

Beyond sports

According to a recent Washington Post-University of Maryland poll, 55% of Americans oppose transgender girls competing with cisgender

girls on high school sports teams and 58% oppose transgender women competing with cisgender women in college and professional sports.

For transgender student-athletes, the issues go beyond sports. Exclusion from athletic programs intensifies the isolation transgender students

face in their daily lives and can cause disengagement from school. A 2022 report from *The Journal of Interpersonal Violence* showed that 86% of surveyed transgender youth said they had suicidal thoughts and 56% reported they had attempted suicide.

At the elite level

Following the 2022 Winter Olympics in Beijing, the International Olympics Committee (IOC) released new guidelines—IOC Framework on Fairness, Inclusion and Non-Discrimination on the Basis of Gender Identity and Sex Variations.

More than 250 athletes and stakeholders helped create a more inclusive framework than the IOC's previous policies, which focused on

testosterone levels for transgender female athletes, requiring at least one year of testosterone-suppressing treatment prior to competing.

The new framework reads: "No athlete should be precluded from competing or excluded from competition on the exclusive ground of an unverified, alleged or perceived unfair advantage due to their sex variations, physical appearance and/or transgender status."

Despite the IOC's framework, other governing bodies implemented more restrictive guidelines for transgender athletes. In June 2022, the international swimming federation (FINA) essentially banned transgender women from competing in international swimming competitions. The ruling bars anyone from competition who started testosterone suppression treatment beyond early puberty, in other words after age 12. FINA's ruling also requires low testosterone levels from transgender female swimmers—a level that the Human Rights Campaign called "unrealistic."

In January 2022, the National Collegiate Athletic Association (NCAA), which governs 480,000 collegiate athletes nationwide, issued new guidelines requiring the 32 transgender athletes that compete at the NCAA level to regularly report testosterone levels and provide documentation that meets sport-by-sport requirements. The NCAA's guidelines are scheduled to take effect in August 2023.

What professional athletes say

The transgender sports ban issue has divided professional athletes as well. Nancy Hogshead-Makar, an Olympic swimmer who represented the U.S. at the 1984 games, issued a statement saying, "I agree that trans women are women for all purposes, meaning the classroom and employment and family law and public accommodation, etc. But when it comes to sport, you cannot deny biology and facts. And the facts say that men and women are so different, different enough that in order to give girls and women an equal opportunity to participate, they need their own team."

On the other side of the coin, tennis legend Billie Jean King, who founded the Women's Sports Foundation in 1974, advocates for strengthening Title



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IX to include protections for transgender athletes. She has said that “sports equality without LGBTQ inclusion is not equality at all.”

In a *Sports Illustrated* editorial, King wrote, “Transgender athletes now face a widespread attack on their rights to play and compete...While we can and should have a respectful dialogue regarding evidence-based research and the appropriate standards for elite competition, banning transgender athletes altogether is not the answer.” •



1. It seems like the pushback against transgender athletes focuses on transgender women and girls. Why do you think transgender men and boys competing against cisgender men and boys are, for the most part, left out of the transgender sports ban conversation? Do you think there should be separate laws regarding transgender men and women competing in sports? Explain your answer.
2. What do you think about New Jersey's guidelines regarding transgender athletics?
3. Throughout the article both sides of the transgender sports ban issue are discussed. Which argument do you find more compelling? Explain your answer.

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Pitchlynn, who is an expert on federal Indian law.

It was on this basis that legislation enabling the federal Indian boarding school system to flourish was able to pass. For example, in 1819, Congress created the Civilization Fund Act, which was used to establish Native American Boarding schools to “stimulate the civilization process.” By 1891, attendance at boarding schools was mandatory for Native American children. According to the National Native American Boarding School Healing Coalition, by 1900, there were 20,000 children in these schools and by 1925 that number had tripled.

The *Federal Indian Boarding School Initiative Investigative Report*, released in May 2022 as part of the Department of the Interior's investigation, found that “the United States pursued a twin policy: Indian territorial dispossession and Indian assimilation, including through education.”

The 2022 report cited a 1969 Senate Special Subcommittee on Indian Education report, “Indian Education: A National Tragedy—A National Challenge,” which stated that the government's policy regarding Indians dated back to President George Washington. “The stated policy of the Federal Government was to replace the Indian's culture with our own. This was considered ‘advisable’ as the cheapest and safest way of subduing the Indians, of providing a safe habitat for the country's white inhabitants, of helping the whites acquire desirable land, and of changing the Indian's economy so that he would be content with less land. Education was a weapon by which these goals were to be accomplished.”

Carlisle Indian Industrial School

The Carlisle Indian Industrial School in Pennsylvania, which opened in 1879, was not the first school that housed indigenous school children. It is notable, however, because it is the first one that took the children away from their families and it was the first one fully-funded by the government. Previous schools had been located on reservations and run by religious organizations with the approval of the U.S. government.

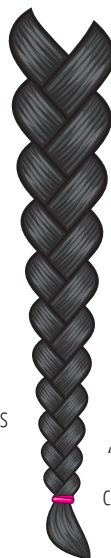
Founded by Richard Henry Pratt, an Army officer whose motto was “Kill the Indian, Save the Man,” the Carlisle School immersed the children in Euro-American culture, not allowing any trace of their Indian roots. Pratt approached the federal government for funding of the school, which would eventually serve as the model for other schools. The federal government opened 300 more schools that used Pratt's techniques.

It was also at the Carlisle School that the “outing system” was born. Instead of sending the children home for the summer, the boarding schools developed a program where American Indian children were transferred into a white home or community as part of a worker education program. Students were sent to learn an acceptable trade while also providing cheap labor to the family or community. The Carlisle Indian Industrial School sent its students to New Hampton, NJ where they worked on farms. Local residents there hosted students in the summers until Carlisle closed in 1918.

More from the report

Based on research led by the Assistant Secretary of Indian Affairs Bryan Newland, a member of the Ojibwe Nation, the investigative report revealed that between 1819 and 1969 the U.S. operated or supported 408 boarding schools across 37 states (some of them just territories at the time), including 21 schools in Alaska and seven in Hawaii.

Assistant Secretary Newland noted in the report, “The Federal Indian boarding school system deployed systematic militarized and identity-alteration methodologies to attempt to assimilate American Indian, Alaska Native, and Native Hawaiian children through education.” At these schools, American Indian children were not allowed to speak their languages or practice any of their cultural or religious traditions; their hair was cut (this was particularly shaming for the boys whose hair length was a sign of maturity); they were given “American” names; and finally, they were forced into military-style drills. If the children broke the rules, for instance talking in their native languages, even to



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each other, they were first given a warning. If the behavior persisted, they were beaten. In some cases, older children were made to punish younger children who disobeyed and broke the rules.

In many of these schools, the living conditions were unsanitary and detrimental to the health of the children. Thousands of children died of illness, injury, and malnutrition. The Department of the Interior's report identified "53 marked or unmarked burial sites," and stated that the number is expected to grow as the investigation continues. The report also noted that "approximately 19 Federal Indian boarding schools account for over 500 American Indian, Alaska Native, and Native Hawaiian child deaths."

The *Federal Indian Boarding School Initiative Investigative Report* was written and researched with the intention of understanding the intergenerational impact the federal Indian boarding school system had on Native American people. The report catalogues numerous physical and mental health disparities between people who had family members who attended federal Indian boarding schools and those who didn't.

After the 106-page report was released, Assistant Secretary Newland said, "Federal Indian boarding schools have had a lasting impact on Native people and communities across America. That impact continues to influence the lives of countless families, from the breakup of families and tribal nations to the loss of languages and cultural practices and relatives."

What comes next?

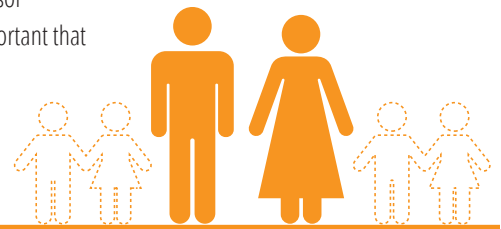
In June 2022, the Senate Indian Affairs Committee held a hearing where Native American advocates testified on the need for recovery efforts from Indian boarding school trauma. In a press conference before the hearing, Secretary Haaland, who shared that her own grandparents were taken from their homes, both at the age of eight to attend one of these schools, said, "Many children like them never made it back to their homes. Each of those children is a missing family member, a person who was not able to live out their purpose on this earth, because they've lost their bodies as part of this terrible system."

At the hearing, Senator Elizabeth Warren urged Congress to pass her Truth and Healing Commission on Indian Boarding School Policies bill. The commission would be dedicated to investigating and documenting violations at these boarding schools and study the impacts they've had on American Indians, Alaska Natives and Native Hawaiians.

"The full effects of these policies have never before been appropriately addressed by the federal government," Senator Warren said at the hearing. "This work will be painful, but long overdue."

Professor Pitchlynn says that only Congress has the capacity to offer some form of compensation for the harm the federal Indian boarding school system caused; however, he doesn't believe **reparations** would be enough to compensate people for the loss of life or assist with economic and spiritual recovery.

"However," Professor Pitchlynn says, "it is important that we begin with the truth. It is a good place to start."



1. List a few traditions that your family observes—they could be cultural, specific to your ethnicity or just specific to your family. How would you feel if the federal government told your family you couldn't practice these traditions anymore?
2. In terms of healing, Professor Pitchlynn says that "the truth is a good place to start." What is the benefit of learning the truth about federal Indian boarding schools or other upsetting incidents in our nation's history?

Glossary

appealed — when a decision from a lower court is reviewed by a higher court. **assimilate** — to absorb or make part of, as in a community. **disenfranchise** — to deprive of a privilege or right (i.e., the right to vote). **indigenous** — native; originating in a particular place. **injunction** — an order of the court that compels someone to do something or stops them from doing something. **legislation** — laws made by a legislative body. **override** — to use authority to reject or cancel a decision. **partisan** — someone who supports a party or cause with great devotion. **poll tax** — voting fee, which was used to disenfranchise Black voters. **remand** — to send a case back to a lower court. **reparations** — financial compensation. **veto** — to refuse approval or passage of a bill that has been approved by a legislative body. The executive branch of government has the power to veto, but that power may be overridden with enough support. **upheld** — supported; kept the same.