



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #SAC-22-019

TITLE: Calling upon the Department of the Interior to to Cancel or Rescind Any Fee Patent or Permit to Authorize or Support Indian Boarding Schools; and to instead Promote Health, Wellness and Trauma Healing by Supporting the Revitalization of Tribal Languages and Culture

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WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States and the United Nations Declaration on the Rights of Indigenous Peoples, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, as detailed in the Department of the Interior's May 2022 *Federal Indian Boarding School Initiative Investigative Report*, the purpose of the Indian Boarding School Policy was to assimilate American Indians and Alaska Natives (AI/Ans) and dispossess us of our lands and those policies have since been repudiated by the United States; and

WHEREAS, the gains of the Catholic Church, other religious organizations, and third parties in acquiring AI/AN lands in connection with Indian Boarding Schools were ill-gotten and most of those facilities are no longer in operation, serving their original purpose or mission, or serving AI/AN people in any way; and

WHEREAS, the lands wrongfully taken from Tribal Nations in support of Indian Boarding Schools are valuable and should be returned to help us address the many intergenerational social ills from which we still suffer caused by the Indian Boarding Schools; and

WHEREAS, the return of Indian Boarding Schools lands, especially those no longer in use for any educational purpose, is consistent with federal law mandating reversion of such lands to tribe; for example, the Indian appropriation act of September 21, 1922, 42 Stat., 994, 995 (“1922 Act”), which provides:

SEC. 3. That the Secretary of the Interior is hereby authorized and directed to issue a patent to the duly authorized missionary board, or other proper authority, of any religious organization engaged in mission or school work on any Indian reservation for such lands thereon as have been heretofore set apart to and are now being actually and beneficially used and occupied by such organization solely for mission or school purposes, the area so patented to not exceed one hundred and sixty acres to any one organization at any station: Provided, that such patent shall provide that when no longer used for mission or school purposes **said lands shall revert to the Indian owners**. (Emphasis supplied); and

WHEREAS, the 1922 Act forcibly connected fee patents associated with Indian Boarding Schools to the abuses by churches; whereby they were acquiring fee patents to many thousands of acres of reservation lands far in excess of any educational needs while also using the Indian Boarding Schools as otherwise child-slave labor under abhorrent conditions, while further violating the First Amendment’s protection against government religious coercion; and

WHEREAS, these atrocities are summarized in the *Federal Indian Boarding School Initiative Investigative Report* and warrant that the Department deem any fee patent issued in connection with any Indian Boarding School prior to the 1922 Act qualified by the same restrictions Congress imposed in the 1922 Act, including but not limited to any fee patent issued pursuant to the Indian appropriation act of March 3, 1909, 35 Stat., 781, 814 (“1909 Act); and

WHEREAS, both the 1909 and 1922 Acts were tools of Indian and dispossession and assimilation policies that the United States has disavowed and must remediate.

NOW THEREFORE BE IT RESOLVED, that NCAI calls upon the Department of the Interior to expand its Restoration of Tribal Homelands by adopting policies requiring, upon petition by a Tribal Nation, the cancellation and rescission of any fee patent, permit, or other authorization supporting Indian Boarding Schools, on any lands which are not currently in operation as modern Bureau of Indian Education schools, whether issued under the 1909 Act, the 1922 Act or otherwise; and

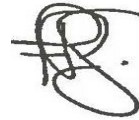
BE IT FURTHER RESOLVED, that NCAI supports the creation of a Truth and Healing Commission on Indian Boarding School Policies, and any other Federal act or policy that would provide trauma healing resources, including a formal public apology by the United States to American Indian and Alaska Native people specific to Indian Boarding Schools and other failed federal Indian policies--such as that memorialized in Section 8113 of H.R. 3326, Defense Appropriations Act of 2010, and any additional resources that would assist tribes in understanding the facts of Indian Boarding Schools on our Reservations and healing in culturally-appropriate ways; and

BE IT FURTHER RESOLVED, that NCAI calls for the devotion of federal resources to revitalize tribal languages and cultural practices as foundational to tribal members' health, wellness and trauma healing; and

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2022 Annual Conference of the National Congress of American Indians, held in Sacramento, CA, October 30-November 4, 2022, with a quorum present.



Fawn Sharp, President

ATTEST:



Stephen Roe Lewis, Recording Secretary