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**JOINT SUBMISSION TO THE UNWGEID 118TH SESSION ON THE OBSTACLES IN
THE UNITED STATES OF AMERICA TO IMPLEMENTATION OF THE
DECLARATION ON THE PROTECTION OF ALL PERSONS FROM ENFORCED
DISAPPEARANCE; AND ON INDIVIDUAL DISAPPEARANCES**

**Submitted by: The International Indian Treaty Council, the Native American
Rights Fund, the National Native American Boarding School Healing Coalition,
and the National Indian Child Welfare Association**

INTRODUCTION

The International Indian Treaty Council (“IITC”), an Indigenous Peoples’ Organization with general consultative status with ECOSOC, the Native American Rights Fund (“NARF”), a non-governmental organization with special consultative status with ECOSOC, the National Native American Boarding School Healing Coalition (“NABS” or “Coalition”), and the National Indian Child Welfare Association (“NICWA”) jointly file this submission regarding the United States of America (“USA”) to the Working Group on Enforced and Involuntary Disappearances (“WGEID”). This Joint Submission addresses obstacles faced in securing the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance, G.A. Res. 47/133, U.N. Doc. A/RES/47/133 (Dec. 18, 1992) in the USA. NABS, NARF, IITC and NICWA request that the WGEID petition the United States to report to Native American individuals, families and communities, in accord with its treaty and trust responsibilities, and international obligations, to account for the fate of Indigenous children taken into federal custody pursuant to the USA’s Indian Boarding School Policy between 1869 and 1960.

This joint submission includes: a brief summary of the history of the United States’ Boarding School Policy and its devastating and persistent impacts on the individuals, families,

communities and tribes subjected to that policy; a description of the obstacles to the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance; and the challenges to the identification of particular cases of individuals whose fate remains unknown. In addition, it identifies individual examples of disappearances where students held in federal custody pursuant to the USA's Indian Boarding School Policy never returned home, or died while at school far from home, and were never returned to their families or communities. These individual cases are not intended to be an exhaustive list; rather, they are only a small number of the many potential cases, and are included in this joint filing to provide examples of the ongoing impacts of this issue in indigenous communities in the USA.

Based on these examples, the submitters have sought information, through the submission of a Freedom of Information Act (FOIA) request to the Assistant Secretary – Indian Affairs, United States Department of the Interior dated April 7, 2016 (FOIA Control number BIA-2016-01054), requesting identification of children taken to boarding schools under government supervision, discussed later in this submission. To date the only response has been that there are too many files to respond to the request without significantly refining the request. There isn't any refinement that will focus on the information needed from the files. We were informed, via a third party, that our FOIA request has been closed. No written communication of that status has been received by NARF or NABS to date.

I. A BRIEF HISTORY OF THE UNITED STATES' BOARDING SCHOOL POLICY AND ITS DEVASTATING AND PERSISTENT IMPACTS

The time since contact between Indigenous and non-Indigenous Peoples in the Americas has been marked by nation-to-nation, sovereign relations developed through Treaty-making (from the 1600s to today). Under the laws of the United States, these Treaties remain the

“supreme law of the land” and are protected by the terms of the United States Constitution.¹

However, their implementation in accordance with the true spirit and intent with which they were entered into has proven a challenge. Throughout the history of interactions between Native Americans and the United States government, the economic and social underpinnings of Native American cultures were eroded through the purposeful and aggressive forcible removals of Indigenous children from their family homes, and assimilation and “civilization” of Indigenous children through education.²

This long history of enforced assimilation by the United States against the indigenous peoples of North America is well documented. Among the most egregious of these policies was the federal Indian Boarding School Policy adopted in the 1800s and continued through the 1960s. During this time American Indian and Alaska Native children were forcibly abducted from their homes, taken to distant Christian boarding schools,³ where they sometimes did not return home for years, and in some cases never returned at all. While the children were at these schools their parents were discouraged from visiting or contacting them. Attendance was officially mandated by U.S. law and policies,⁴ some of which remain in force today.⁵ Parental resistance was met with severe penalties, including incarceration or the loss of rations, clothing or annuities essential to survival for Indian parents or guardians.⁶ In one case,

¹ U.S. Const., Art. VI, Cl. 2.

² David Wallace Adams characterized this period as “education for extinction” in the title of his book on boarding schools in the United States (see “Bibliography and References” at the end of this Joint Submission).

³ See, “Indigenous peoples and boarding schools: a comparative study,” E/C. 19/2010/11, Permanent Forum on Indigenous Issues, United Nations Economic and Social Council.

⁴ United States Statutes at Large, Ch, 543, 1014 (Fifty-First Cong. Sess. II, 1891).

⁵ See “6 Boarding School Laws Still on the Books,” by Christina Rose, *Indian Country Today* 4/30/14 online at: <http://indiancountrytodaymedianetwork.com/2014/04/30/6-boarding-school-laws-still-books-154579>.

⁶ Statutes at Large, Ch, 209, 635 (Fifty-Second Cong. Sess. II, 1893) (“Hereafter the Secretary of the Interior may in his discretion withhold rations, clothing and other amenities from Indian parents or guardians who refuse or neglect to send and keep their children of proper school age in some school a reasonable portion of each year.”)

nineteen Hopi men were arrested and transported to Alcatraz and held there until, according to the Adjutant General of Alcatraz, “they shall evince, in an unmistakable manner, a desire to cease interference with the plans of the government for the civilization and education of its Indian wards.”⁷ Commissioner of Indian affairs Francis Leupp wrote in 1905 that an Indian child “must go to school...whether he likes it or not. And if he then still does not listen to the words of the Government, we send the policeman or the soldier to show him that we mean business.”⁸ The laws also included the authorization of funds to transport Indian children to live with white families who would civilize them in exchange for involuntary, unpaid labor.⁹

The United States Congress enacted legislation known as the “Civilization Act” in 1819¹⁰ to fund church run schools for indigenous children in the United States. President Grant’s “Peace Policy” and the congressionally created Board of Indian Commissioners was initiated in 1869,¹¹ setting the United States policy for civilization of Native American children through the eradication of any expression of Native American culture, language, or practices. This was to be accomplished through separation of children from their families, communities and tribes and placement in federal and/or federally funded church run schools far from their homes on Indian Reservations, and/or Indian communities.¹² The first allocation of Indian reservations to churches was in 1872 when 73 Indian reservations were assigned to various

⁷ *San Francisco Call*, Jan. 4, 1895.

⁸ *Report of the Superintendent of Indian Schools to the Commissioner of Indian Affairs* (Chilocco, OK: U.S. Indian School, 1907), 54.

⁹ *Id.* at Fn. 3.

¹⁰ An Act Making Provision for the Civilization of the Indian Tribes Adjoining the Frontier Settlements, 3 Stat 516 (March 3, 1819)

¹¹ 16 Stat. 40 (April 10, 1869).

¹² The USA policy of forcing indigenous peoples to live on land areas known as “Indian Reservations” is well documented. See Patricia Nelson Limerick, *The Legacy of Conquest: The Unbroken Past of the American West* (New York: W.W. Norton & Company, 1988).

denominations.¹³ In 1879, Captain Richard H. Pratt opened the first federally sanctioned boarding school: the Carlisle Indian Industrial School in Pennsylvania. Between the 1819 Indian Civilization Act and the 1970s, the U.S. federal government funded more than 357 of these schools that extended all the way to California and Alaska. The Bureau of Indian Affairs (BIA) controlled 25 off-reservation boarding schools while churches ran 460 boarding and day schools on reservations with government funds.

The legacy of enforced and involuntary disappearances of Native American children through the Boarding School Policy resulted in devastating and persisting impacts on the social, cultural and economic rights of the individuals, families and communities. The Organization of American States Inter-American Commission on Human Rights held a hearing of general interest during the 140 Period of Sessions¹⁴ in 2010. That hearing was on the continuing effects of abuses of Indigenous children compelled by United States law to attend boarding schools, and the failure of the United States to protect those children from physical, sexual, emotional, cultural and spiritual abuse.¹⁵

¹³ *AMERICAN INDIAN POLICY IN CRISIS: Christian Reformers and the Indians, 1865-1900*, Francis Paul Prucha (U. of Okla. Press, 1976) at 53. 1. Methodists –14 Agencies (54,473 Indian); 2. Orthodox Friends –10 Agencies (17,724 Indians); 3. Presbyterians –9 Agencies (38,069 Indians); 4. Episcopalians –8 Agencies (26,929 Indians); 5. Catholics – 7 Agencies (17,856 Indians); 6. Hicksite Friends – 6 Agencies (6,598 Indians); 7. Baptists – 5 Agencies (40,800 Indians); 8. Reformed Dutch – 5 Agencies (8,118 Indians); 9. Congregationalists – 3 Agencies (14,476 Indians); 10. Christians – 2 Agencies (8,287 Indians); 11. Unitarians – 2 Agencies (3,800 Indians); 12. American Board of Commissioners for Foreign Missions – 1 Agency (1,496 Indians).

¹⁴ Inter-American Commission on Human Rights 140 Period of Sessions, “Situation of Indigenous Children in Schools in the United States”. Participants: State of the United States, Boarding School Healing Project and others. Online: <http://www.oas.org/es/cidh/audiencias/TopicsList.aspx?Lang=en&Topic=16>.

¹⁵ Lajimodiere, Denise K. “American Indian Boarding Schools in the United States: A Brief History and Their Current Legacy” in Stamatopoulou; Elsa and Wilton Littlechild *Indigenous Peoples’ Access to Justice, Including Truth and Reconciliation Processes*, Institute for the Study on Human Rights at Columbia University, 2014 pp. 255-261. “The boarding school, whether on or off the reservation, became the institutional manifestation of the government’s determination to completely restructure the Indians’ minds and personalities. Boarding schools were established for the sole purpose of severing the Indian child’s physical, cultural and spiritual connection to his or her tribe.” (at page 257).

Indian boarding/industrial schools attempted to prepare boys for manual labor or farming, and girls for domestic work. Schools extensively utilized an “Outing” program where, “Children were involuntarily leased out to white homes as menial labor during the summers rather than sent back to their homes.”¹⁶ Many children died on these outing programs and some of these individuals were neither returned to their families, nor the school. For example, at the Carlisle Indian Industrial School, there were at least eleven children that died on outing programs who are buried in off-campus cemeteries across the east coast. Research conducted to locate the burial locations of these children required consulting school records, state death certificates, cemetery records—some of which incorrectly listed the location of interment. Some of these children could only be found by physically visiting the cemetery and walking the grounds, looking for a matching headstone, which would have made it nearly impossible for parents at the time to locate the final resting place of their child.¹⁷ Additionally, government expenditures for boarding schools were always small, and the schools exploited the free labor of Indian children in order to function.¹⁸ Because funding was allocated on a per capita basis, superintendents and school officials over enrolled to get more funds. Overcrowding in these schools allowed tuberculosis, trachoma and other contagious diseases to flourish.¹⁹ “[E]pidemics of tuberculosis, trachoma, measles, pneumonia, mumps and influenza regularly swept through

¹⁶Andrea Smith, Conquest: Sexual Violence and American Indian Genocide, 37. (Cambridge: South End Press, 2005).

¹⁷ Louellyn White, “Carlisle Indian Industrial School Outing Burials,” Report submitted to the National Native American Boarding School Healing Coalition, July 31, 2018.

¹⁸ Brenda Child, Boarding School Season: American Indian families, 1900-1940. (Lincoln: University of Nebraska Press, 2000).

¹⁹ David Adams, Education for Extinction: American Indians and the Boarding School Experience 1875-1928, 1995. (Lawrence: University Press of Kansas, 1995); Child, 2000; Smith, 2005).

overcrowded dormitories, taking a terrible toll on the bodies and spirits of the stricken... Thus, disease and death were also aspects of the boarding school experience.”²⁰

The United States may prefer to view the era of Boarding Schools Policy as exclusively an historical one, hence, it has failed to officially acknowledge its role in seeking the deliberate eradication of Native American cultures and lifeways. The legacy of this era continues today in the form of public child welfare systems that remove Indigenous children in the United States and place them in non-Indian foster care homes in numbers highly disproportionate to their representation in the general population.²¹ This often occurs by disregarding or selectively applying the requirements of the Indian Child Welfare Act of 1978, a federal law designed to end bias and abusive treatment of American Indian and Alaska Native children in state child welfare systems.²²

In the United States, the disproportionate forcible removal of Indigenous children from their families and communities has continued despite the enactment of the Indian Child Welfare Act, with devastating impacts on Indigenous cultures, languages and identities. The impact on the individual children, their families and communities is compounded by the long history of appropriation and desecration of Indigenous lands, territories, and resources; breach of treaties; discrimination and racism in the United States. These harms experienced among the targeted Indigenous peoples continue to reverberate in those communities as a result of the

²⁰ Adams, 124-125.

²¹ Disproportionality in Foster Care Placement, National Indian Child Welfare Association (2014). “THE NEW BOARDING SCHOOLS: Racial Biases in the State of South Dakota Continue to Fuel Constant, Willful Violations of the Indian Child Welfare Act.” <http://lakotalaw.org/special-reports?gclid=COKPuKmamcwCFZWFaQodkpQJSw>.

²² In 1978, Congress found that legislation to protect Indian children was required because “an alarmingly high percentage of Indian families are broken up by the removal, often unwarranted, of their children from them by nontribal public and private agencies and that an alarmingly high percentage of such children are placed in non-Indian foster and adoptive homes and institutions.” 25 U.S.C. § 1901(4)(2000).

impact of historical and inter-generational trauma with no apparent plan by the United States for treatment to stem the continuing traumatic response.

There is significant documentation that children removed to boarding schools under mandate of United States law were subject to malnourishment, overcrowding, compulsory labor, substandard living conditions, physical abuses, emotional abuses, sexual abuses, disease, lack of access to medical care, widespread epidemics and death.²³

Canada carried out a very similar policy from the 1880's to 1996, modeling its residential school policy on the United States' boarding school policy. In response to its role in depriving First Nations children of their culture and language, Canada, amongst other things, established and funded a Truth and Reconciliation Commission (C-TRC) to document the impacts of the Canadian Policy. In 2015, the C-TRC reported that at least 6,000 Indigenous children died in the Canadian residential schools.²⁴ In comparison to the 357 schools identified in the U.S. thus far, Canada had less than half that amount—150. Therefore, although a similar process to document the actual numbers has never been put in place in the United States, it's likely that the number of students that died in United States schools is much higher. No information in response to the FOIA request submitted to the United States on this issue has been provided to date.²⁵

In his 2012 report to the United Nations Human Rights Council on the situation of Indigenous Peoples in the United States, the Special Rapporteur on the Rights of Indigenous Peoples found as follows:

²³ See. E.g. "A Blueprint for Death in US Off-Reservation Boarding Schools: Rethinking Institutional Mortalities at Carlisle Indian Industrial School, 1879-1918", Master's Thesis by Preston McBride, May 15, 2013, available upon request; The Meriam Report (1928), *The Problem of Indian Administration*, concluded "frankly and unequivocally that the provisions for the care of the Indian children in boarding schools are grossly inadequate."

²⁴ See generally <https://newsmaven.io/indiancountrytoday/archive/6-000-kids-died-in-residential-schools-G7hg1ruABE69s99UZxMiWA/>

²⁵ Supra at pg 2 re FOIA request; McBride, supra note 16.

45. Historically, added to the taking of indigenous lands was the direct assault on indigenous cultural expression that was carried out or facilitated by the federal and state governments. Likely the programme of this type with the most devastating consequences, which are still felt today, was the systematic removal of indigenous children from their families to place them in government or church-run boarding schools, with the objective of expunging them of their indigenous identities. Captain Richard Pratt, founder of the Carlisle Indian school, coined the phrase, “kill the Indian in him, save the man,” in instituting the boarding school policy in the 1880s which continued well into the mid 1900s.

46. Emotional, physical, and sexual abuse within the boarding schools has been well-documented. Typically, upon entering a boarding school, indigenous children had their hair cut, were forced to wear uniforms and were punished for speaking their languages or practising their traditions. The compounded effect of generations of indigenous people, including generations still living, having passed through these schools cuts deep in indigenous communities throughout the United States, where social problems such as alcoholism and sexual abuse are now pervasive and loss of language is widespread.

47. Additionally, a pattern of placing indigenous children in non-indigenous care under state custody proceedings, with similar effects on indigenous individuals and communities, continued until well into the 1970s, only to be blunted by passage of the Indian Child Welfare Act in 1978, federal legislation that advances a strong presumption of indigenous custody for indigenous children but that continues to face barriers to its implementation.²⁶

II. OBSTACLES TO THE IMPLEMENTATION OF THE DECLARATION ON THE PROTECTION OF ALL PERSONS FROM ENFORCED DISAPPEARANCE

In the United States, there are neither any recognized sources of statistics nor data which provide definitive documentation of the numbers of Indigenous students that attended, or the numbers who died or disappeared while in, boarding schools.²⁷ Without federal government

²⁶ A/HRC/21/47/Add.1 Report of the Special Rapporteur on the rights of indigenous peoples, James Anaya *The situation of indigenous peoples in the United States of America*, presented to the Human Rights Council at its 21st Session.

²⁷ See International Indian Treaty Council Indigenous Shadow Report to the Committee on the Elimination of Racial Discrimination on their Review of the United States (72nd Session, 2008) online:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=314&Lang=en

cooperation it is next to impossible to quantify the true impact of the boarding school policy and its ongoing effects on the economic, social and cultural rights of Indigenous Peoples in the United States. It is equally impossible for families, communities, Tribal governments, or the organizations representing survivors and descendants of Indigenous boarding school students to determine the fate or location of the remains of individual students who disappeared, died in custody, and/or never returned home.

Information about the fate of individual children is difficult for family members or Tribal governments and communities to acquire for a variety of reasons. Boarding school records created by the federal government provide clues to what happened to the missing and disappeared children, especially if they contracted a lethal disease, and died, but these records were idiosyncratic and inconsistent across institutions. The fragmentary nature of the physical records and the nature of students being taken to schools distant from their homes make records difficult to obtain. For instance, the families of Wappo, Patwin, Pomo, and Me-Wuk children taken to St. Turibius Industrial School in California must travel to Marquette University in Milwaukee, Wisconsin to see records from that school, and the families of Pueblo, Hopi, Choctaw, Apache, Navajo, and Zuni children taken to the Albuquerque Indian School in New Mexico must travel to the National Archives and Records Administration (NARA) in Denver, Colorado to see records.²⁸ Moreover, recent research that attempted to identify students who died at the Albuquerque Indian School found state death certificates for 17 children, but only 8 of those students have corresponding student files at the NARA Denver branch. Overall, this

²⁸ See Catalog for the Bureau of Catholic Indian Mission Records, Record Group 1, Boxes 14-41. Special Collection and University Archives, Marquette University, Milwaukee, WI: https://www.marquette.edu/library/archives/Mss/BCIM/BCIM-series1-1-paper_Stephan.php; See catalog for BIA Schools, Record Group 75. National Archives and Records Administration, Denver, CO: <https://www.archives.gov/research/native-americans/bia-guide/schools>.

research has identified 41 student deaths in New Mexico thus far, but compiling this list required consulting a combination of cemetery plats, state death certificates, and student files.²⁹ Further, individual families likely had children that went to potentially dozens of schools over their lives. Their family's records would then be scattered in various government and local repositories across the country and they may have to consult a variety of different types of records to find information about their relative. Moreover, the records are often inconsistent and hidden behind US privacy law.

The sheer volume of records held by the federal government is yet another impediment to determining what happened to thousands of boarding school students who never returned home. Because the federal government operated so many schools, there are millions of extant records across dozens of archives, review of which would be necessary to determine the fate of these thousands of students. Most of these records are held in the National Archives and Records Administration, but the location of many of the church-run schools' records is unknown. It is likely the various denominations retain control over these records, but requests for them have not been met favorably.

Beyond the records of students, it would have been difficult for families to know the final resting place of their children because they were never notified. Extant records and oral histories indicate that children were buried without their parent's knowledge. Students who died on "outings" from the schools were often buried in unmarked or unidentified graves.³⁰ Over time the institutions themselves lost this information. Boarding school cemeteries are replete with

²⁹ Anna Naruta Moya and Daniel Moya, "The Unmarked Cemetery of the Santa Fe Indian Industrial School and New Mexico Indian Industrial School Deaths: Research and Documentation Using Available Historical Sources." Report submitted to the National Native American Boarding School Healing Coalition, February 6, 2019.

³⁰ Louellyn White, "Carlisle Indian Industrial School Outing Burials," Report submitted to the National Native American Boarding School Healing Coalition, July 31, 2018.

unmarked graves. Carlisle Indian Industrial School contains thirteen unmarked graves.³¹ Chemawa Indian School has potentially hundreds of unmarked graves in its cemetery.³² Genoa Indian School has a single stone marker that memorializes the American Indian children that died at the school between 1884 and 1934 and “may be buried near here.” Similarly, Albuquerque Indian School cemetery is now a park, all graves unmarked and erased. There was previously a plaque beside the site that read: “Site of Indian Cemetery 1883-1933 Used primarily for burial of Albuquerque Indian School students from the Zuni, Navajo and Apache tribes,” but the Old Indian Neighborhood Association (now the Near North Valley Neighborhood Association)³³ has reported the plaque missing.³³ In addition to the absence of readily available information, it is also possible that families have not come forward to claim unknown bodies because Native American families that sent their children to schools were often decimated by disease. Disease was indiscriminate in the schools and victimized all students, but some families suffered more than others. Some lost all of their children to disease and because of this there are no direct descendants.³⁴

In order to obtain this information, which has not been provided to date, NABS/IITC/NARF on February 22, 2016 sent a request to the Assistant Secretary-Indian Affairs

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http://www.philly.com/philly/news/20160624_Can_the_Army_tell_who_s_buried_at_the_Carlisle_Indian_cemetery_.html

³² Marsha Small, M.A., “Preservation of Sacred Sites and Sacred Places With Geo-referencing Systems: ‘A Voice for the Children of Chemawa Cemetery’”, professional paper submitted May, 2015.

³³ Anna Naruta Moya and Daniel Moya, “The Unmarked Cemetery of the Santa Fe Indian Industrial School and New Mexico Indian Industrial School Deaths: Research and Documentation Using Available Historical Sources.” Report submitted to the National Native American Boarding School Healing Coalition, February 6, 2019.

³⁴ See Frank V. Holston, Farmer and Guardian for Maggie G. Rabideaux to Superintendent Carlisle Indian School, [March 1914] in Maggie Rabideaux folder, Box 103, RG 75, Records of the Carlisle Indian Industrial School, Entry 1327, National Archives and Records Administration; Agnes Armstrong to The Carlisle Arrow, May 14, 1917 in Joseph Shooter folder, Box 106, RG 75, Records of the Carlisle Indian Industrial School, Entry 1327, National Archives and Records Administration.

(AS-IA) and BIA/BIE asking for all records, reports and other information available to the United States through its agencies and archival records that identify the:

1. Number of schools established for Native American students between 1819 and 1972 supported by federal funding and/or policy;
2. Amount of the funding that was provided by the federal government for the operation of these schools and the identity of each school, church, mission, or other recipient of the funds;
3. Location of each school, the number of students for each year of operation, and the identity of each student taken to these schools including their tribal (including Pueblo, Alaskan Village) affiliation;
4. Fate of each student including whether they returned home, moved to another setting such as further schooling, or were deceased and interred at the school or at another location; and
5. Location of any and all burials, gravesites, or cemeteries for each of the schools, with the identity of each person in each grave, whether there are any unmarked or unidentified graves and, to the extent possible, how many persons are interred in such graves.

The initial response from the BIA/BIE is that they have no information in their files but have forwarded the request to the American Indian Records Repository (AIRR) in Lenexa, Kansas, the federal repository for retired Indian Affairs records. The BIA/BIE indicated that AIRR has identified files too numerous to search – except at great expense – unless we narrow our search request. We provided a more focused request on June 2, 2016, but did not receive a response. It is highly unlikely that AIRR will identify the files we requested. Indeed, the AIRR may not have the information we seek in an easily retrievable format. Even after confirmation that the needed files have been identified, before releasing them to us, our request would need to clear the review process with BIA/BIE and the Office of the Solicitor – the attorneys for the Interior Department. There is no clear indication what that review would entail or how long it would take.

II. A PRELIMINARY UPDATE TO THE MEMBERS OF THE WGEID IN FOLLOW-UP TO THE JUNE 2, 2014 “JOINT SUBMISSION TO THE THEMATIC STUDY ON THE RELATIONSHIP BETWEEN ENFORCED OR INVOLUNTARY DISAPPEARANCES AND ECONOMIC, SOCIAL AND CULTURAL RIGHTS.”

Although no data or information on specific cases or the fate of individual children who disappeared has been provided by the USA government, which took these children into custody, anecdotal information, as well as ongoing research efforts, inform us that many Indigenous Children did die in custody.³⁵ This information, as well as the discovery of increasing numbers of unmarked graves near former schools, suggests large numbers of children died in government custody. For example, NABS has received the following testimony from former students who witnessed a death of a student or personally suffered abuse:

“...former students [at Vermilion] recalled at least one punishment that resulted in a student’s death. (Tallies of the number of students who died there vary greatly, from very small in federal report to much larger in the accounts of former students). Robert Gawboy recalled ‘A lot of Indians died in that Indian school...I know. I was there.’”³⁶

The following were taken from interviews by Dr. Denise Lajimodiere, PhD., North Dakota State University, from 2008-2014, and are used with her permission.

I said that the matron and head master had a “case for each other.” An older boy overhead me and told on me. They made me lay over my bed. One boy held my feet the other held my arms so my back was arched toward the line of boys. Called the gauntlet. Each boy had to hit me with a belt with studs. If someone hit me lightly they would have had to take my place. I passed out and woke up in the infirmary. Was there for two weeks. They killed a boy from Browning, ruptured his kidneys.

- Leo J. Lajimodiere, 77 years old (Chemawa boarding school, Oregon).

There was this one girl I think she was maybe 9 or 10. She was really sick and anytime she’d wet her bed, the nuns would rub her face in it which they used to do that quite often to everybody. The little girl was crying and

³⁵ Anna Naruta Moya and Daniel Moya, “The Unmarked Cemetery of the Santa Fe Indian Industrial School and New Mexico Indian Industrial School Deaths: Research and Documentation Using Available Historical Sources.” Report submitted to the National Native American Boarding School Healing Coalition, February 6, 2019.

³⁶ *Assimilation to Termination: The Vermilion Lake Indian School* by Linda LeGarde. GroverCollections.mnhs/MNHHistoryMagazine, pp. 229-30.

screaming and stuff and she was so sick. Sister Naomi had one blue eye and one brown eye. That sister used to be so mean to her. Oh God, they were so mean! The girl died. They didn't take care of her when she was sick. They didn't give her the care she needed and they abused her so much, if you said anything you got beaten got your hair pulled and slapped in the face all the time. They had her casket right down in the main, when you walked in the doors, the entry way. And they buried her there.

- Pat Durbin, 65 years old (Chamberlain [Catholic] boarding school, SD).

I [was] about 5 years old. I saw a priest take older girls, the sisters helped take them older girls. They went down that long hall down in the basement. I went and you know looked and followed them, snuck behind, went down the steps and they went into this secret room. I followed them up to a point. They went in this one room and I tried to go in there. I couldn't find them, there was a secret door. Yeah, and then what he did was he went and raped them and you know, they had babies. When they were gonna get ready to deliver, took them into that other building, there was a little building out there that used to be called a papoose house. And down in there they said there was a delivery room you hit on the wall like this and you hit there, you could open it. Well, he took them, and I followed there. You know, I kind of started getting suspicious. And what they did was, they went and sold all them babies, Black Market, he got paid for them, and now when all their parents died and all these kids, they're all in Connecticut and New York and New Hampshire, Rhode Island, now they're coming back trying to find their parents, and the parents of these kids are dead. [NOTE: These buildings were razed in 2015].

- Carol Dahl, 59 years old (Tekakwitha Catholic Orphanage, SD). This is a story she told of Tekakwitha Catholic Orphanage on the Sisseton/Wahpeton reservation in South Dakota, where she was placed 'out of the crib.' It was part of a boarding school complex.

The sexual abuse, the sexual abuse, like I said, it would happen late at night when the rest of were sleeping or supposed to be sleeping. They, Brothers, would come in and they would take somebody out....when they came back they would be crying and didn't want to be touched or anything, they were always scared.

I went sledding on a steep hill and I went into that fence feet forward, stopped me pretty hard and pretty good. I went back to the dorm and laid down and went to sleep. In the morning I woke up and I couldn't move my legs and couldn't move my arms that much either. The next thing I heard hollering, "get out of bed! You're just faking, you don't want to go to Mass,

you're nothing but a sinner." I was scared and finally he just started, he threw my blankets off and he just started hitting me and hitting me and hitting me and hitting me and hitting me, he finally stopped after about 15 or 20 minutes and said to one of the boys "go down and get the infirmary nurse." They took me to the hospital, and they told me that I had dislocated both of my hips. It still affects me yet today. I'd be walking and all of a sudden my legs will just stop working and I'll just fall over. It still bothers me. What I don't understand is why the hospital didn't report this to someone.

- Roger White Owl, 60 years old (Chamberlain [Catholic] boarding school, SD).

No one would admit to stuffing peed on sheets in the closet. So Sister Maria Gretty got input from the 7th and 8th grade girls, so they [nuns] decided that they would pee in this bowl and they would put our nose in this pee. Well geez, they just slammed those girls whole face right in this bowl. I was toward the back of the line and didn't have to do it.

- Carol McDonald, 53 years old (Holy Rosary [Catholic] boarding school, SD).

I was molested. I was five. Father McGuire and Father Divine. Sometimes they would get me from bed. We [students] went to the gym and we'd watch movies. They [nuns] always came after me, one of them because no one else played with me. Sometimes I'd be in school and they'd call me out of school and the Head nun would say "Fr. McGuire wants to see you and I'd say 'no I don't want to go.' You have to go, you have to go!" This happened probably twice a week, all the time I was there (she attended for five years). I kept it secret until now, I just keep everything to myself...there's some thing you just don't talk about.

- Barbara Humphries, 70 years old (Chamberlain [Catholic] boarding school, SD).

There was a dorm attendant, He was Indian. He enjoyed punishing kids, there was this old room, an equipment room, we called it Room 19. He would take kids in there if they got into trouble and you know, he would beat them in there until they would start screaming or crying you know? But I know he enjoyed doing that because his approach would be like real calm and subtle and then when he'd get within striking distance I remember that he would just haul off and crack these kids and just drop them. I got into trouble once for taking a bottle of cherries out of the cafeteria. I was hungry. I had to kneel first on a broom handle and then I got my turn in Room 19. I had a choice of a razor strap or a fiberglass fishing pole. I chose the fishing pole. I don't think I've ever talked to my brothers and sisters or my children about some of these things that went on some of them are painful you know? So I don't really talk about it.

- Dennis Decoteau, 62 years old (Wahpeton boarding school, ND).

III. APPLICABLE INTERNATIONAL LEGAL STANDARDS AND FRAMEWORK

NABS, NARF, IITC, and ICWA urge in reaching a decision holding the United States to account, that demand should be based on the right to the truth, to which the family members of victims of forced disappearance are entitled, and on the obligation of the State to guarantee this right. The right to the truth is invoked in contexts involving gross violations of human rights and grave breaches of humanitarian law, including enforced disappearances and abductions of children. It is an important concept, utilized to empower victims and societies with full information, and to know the truth about past abuses.

A. Human Rights Standards on Disappearance and Truth

The Human Rights Committee of the United Nations expressly recognized the existence of the right to the truth for families of victims of forced disappearance. In one case of forced disappearance, the Human Rights Committee concluded that “the author [of the communication to the Committee and mother of the disappeared person] has the right to know what has happened to her daughter.”³⁷

The Human Rights Committee, without employing the term “right to the truth” and without limiting itself to cases of forced disappearance, has urged State Parties to the *International Covenant on Civil and Political Rights* to guarantee that the victims of human rights violations know the truth with respect to the acts committed. In its Concluding Observations on the initial report of Guatemala, the Human Rights Committee exhorted the

³⁷ Human Rights Committee, Decision of 21 July 1983, María del Carmen Almeida de Quintero and Elena Quintero de Almeida case (Uruguay) Communication No. 107/1981, par. 14.

Guatemalan authorities to, *inter alia*, continue working to enable “the victims of human rights violations to find out the truth about those acts.”³⁸

The right to the truth owed to the families of victims of forced disappearance has been recognized by the Working Group on Enforced or Involuntary Disappearances ever since its first report to the Commission on Human Rights.³⁹ In its second report, the Working Group concluded that, with respect to the relatives of the disappeared person: “[u]nquestionably, their right to know can be neither denied nor ignored.”⁴⁰

The Working Group on Enforced or Involuntary Disappearances found the basis⁴¹ of the right to the truth for relatives of the victims of forced disappearance, both in Article 32 of Protocol 1 additional to the Geneva Conventions as well as in numerous resolutions of the United Nations General Assembly.⁴² In 1984 the Working Group concluded that under any circumstances: “[i]t has been clearly decided by the international community that the relatives of missing persons have a right to know their whereabouts or fate.”⁴³

The Working Group on Enforced or Involuntary Disappearances, in addressing the problem of children who had disappeared or were abducted from parents who disappeared, invoked international humanitarian law and reiterated the principle of equal or greater protection in times of peace than that recognized in times of war. The principles of protection for children in times of war should *a fortiori* be respected in times of peace.⁴⁴

³⁸ United Nations Human Rights Committee, Observations and recommendations to the State of Guatemala, United Nations document, CCPR/C/79/Add.63, par. 25.

³⁹ United Nations document, E/CN.4/1435, of 22 January 1981, par. 187.

⁴⁰ United Nations document, E/CN.4/1492, of 31 December 1981, par. 5.

⁴¹ United Nations documents, E/CN.4/1435, of 22 January 1981, par 186; and E/CN.4/1983/14, par. 134.

⁴² Especially resolutions 34/179 and 35/188 concerning the situation of human rights in Chile.

⁴³ United Nations document, E/CN.4/1984/21, par. 171.

⁴⁴ United Nations document, E/CN.4/1984/21, par. 159.

The right to the truth owed to victims of human rights violations and their relatives, and in particular to the relatives of the victims of forced disappearance, has also been recognized by different mechanisms of the United Nations Commission on Human Rights as well as by its Sub-Commission. In 1985, the Special Rapporteur of the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities, in his final report on amnesty laws and the role they play in the safeguard and promotion of human rights, arrived at the conclusion that “[w]ith respect to the victims of involuntary or enforced disappearances, ‘the right to know’ of the relatives is increasingly acknowledged.”⁴⁵ The Meeting of experts on rights not subject to suspension in situations of emergency and exceptional circumstances, organized by the Special Rapporteur on the Question of human rights and states of emergency, concluded that the right to the truth constitutes “a norm of customary international law.”⁴⁶ The Special Rapporteur charged with the question of the independence of judges and lawyers, of the Commission on Human Rights, in his report concerning his mission to Peru, concluded that the Peruvian amnesty laws “deprive the victims of the right to know the truth.”⁴⁷

B. International humanitarian law

International humanitarian law is recognized as a source of law with regard to the right to the truth for the families of victims of forced disappearance. Thus the United Nations Working Group on Enforced or Involuntary Disappearances, in its first report to the Commission on Human Rights, recognized the existence of the right of families to know the fate of relatives who were victims of forced disappearance, based on Protocol I of 1977 to the four Geneva

⁴⁵ "Study on amnesty laws and the role they play in the safeguard and promotion of human rights", United Nations document, E/CN.4/Sub.2/1985/16, p. 19.

⁴⁶ United Nations document E/CN.4/Sub.2/1995/20, Annex I, par. 40, p. 57.

⁴⁷ United Nations document, E/CN.4/1998/39/Add.1, par. 131.

Conventions.⁴⁸ In the inter-American context, in 1988, the Inter-American Commission on Human Rights, addressing the fate of minors who had disappeared or were abducted from parents who disappeared during the military regime in Argentina, affirmed that the norms of international humanitarian law, and more specifically Protocol I of 1977 to the four Geneva Conventions, “establish the right of families to know the fate of their relatives.”⁴⁹

Intergovernmental human rights bodies and mechanisms have found complementary bases for the right to truth in other juridical sources and instruments. Among these is the right to protection of the family⁵⁰, the right of the child not to be separated from its parents⁵¹ and, in the inter-American context, the rights to protection under the law, to judicial protection and to information.⁵²

C. The Right to Know the Truth; the Responsibility to Disclose

There is little doubt that many of the children taken to boarding schools under federal custody were subjected to abuse and the deprivation of basic human rights. The human rights of the Indigenous family members and the Indigenous Peoples from which the children were taken also were violated, repeatedly, by acts taken by the United States pursuant to its Indian Boarding School Policy. There is a continuing responsibility on behalf of the United States government in whose custody they were held to account for their fate. That responsibility is owed to the family members, communities, and Peoples from which they were taken. This right to the truth is closely related to other rights, such as: the right not to be subjected to torture or to other cruel,

⁴⁸ United Nations document, E/CN.4/1435, of 22 January 1981, par. 187.

⁴⁹ Annual Report of the Inter-American Commission on Human Rights, 1987-1988, OAS document, OEA/Ser.L/V/II.74, Doc. 10, rev. 1, p. 359.

⁵⁰ Article 23 of the International Covenant on Civil and Political Rights, and Article 17 of the American Convention on Human Rights.

⁵¹ Article 9 of the Convention on the Rights of the Child.

⁵² *See, e.g.*, Article 19, UDHR; ICCPR; ACHR.

inhuman or degrading treatment or punishment,⁵³ the right to obtain reparation,⁵⁴ the right to an effective remedy⁵⁵ and the right to information.⁵⁶ Similarly, the right to the truth is also related to the obligation to investigate.⁵⁷

The Expert on the impunity of perpetrators of violations of civil and political rights, of the United Nations Sub-Commission on the Prevention of Discrimination and Protection of Minorities concluded that “The legal defense of the right to memory was one of the fundamental objectives of the authors of the Charter of the International Military Tribunal at Nuremberg.”⁵⁸ The Commission of Experts concerning grave violations of the Geneva Conventions and other violations of international humanitarian law committed in the territory of the former Yugoslavia, established pursuant to United Nations Security Council Resolution 780, S/Res/780 (1992), asserted in its final report “Thus, the conclusion is inescapable that peace in the future requires justice, and that justice starts with establishing the truth.”⁵⁹ In order to establish the facts of the events surrounding the treatment and ultimate fate of the children taken to the boarding schools, the truth must be ascertained and made available to the families and communities of those students. The truth is fundamental to the rights of indigenous families and communities to find justice and peace in the future.

1977 of the *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts* (commonly referred to as

⁵³ See, e.g., Article 5, Universal Declaration of Human Rights; Article 7, ICCPR (ratified by USA in 1992); Convention against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment; American Convention on Human Rights (ratified by USA in 1994).

⁵⁴ See, e.g., Article 8, UDHR; Article 2, ICCPR; Article 6, ICERD.

⁵⁵ See, e.g., Article 8, UDHR; Art. 2(3), ICCPR.

⁵⁶ See, e.g., Article 19, UDHR; ICCPR; ACHR.

⁵⁷ See generally Naomi Roht-Arriaza, *State Responsibility to Investigate and Prosecute Grave Human Rights Violations in International Law*, 78 Calif. L. Rev. 449 (1990).

⁵⁸ United Nations document, E/CN.4/Sub.2/1993/6, par. 85.

⁵⁹ Final Report of the Commission of Experts Established pursuant to resolution 780 of the Security Council (1992), in United Nations document S/1994/674, of 27 May 1994, Annex, par. 320.

“Protocol I”) established the first conventional norm which explicitly recognized the existence of “the right of families to know the fate of their [disappeared] relatives” (article 32). This right was explicitly recognized as a “general principle”⁶⁰ of international humanitarian law with regard to disappeared persons, a principle reiterated by the XXV International Conference of the Red Cross and the Red Crescent, held in 1986, in its Resolution XIII.

The concept of “disappearance” in international humanitarian law is broader than that of “forced disappearance” as formulated in international human rights law. In general, the notion of “disappearance” in international humanitarian law covers all those situations in which the fate or whereabouts of a person are unknown. In the same way, the concept of “the disappeared” covers a variety of specific situations, namely: persons wounded or sick who are in the hands of the government and who have not been identified; civilians taken into custody under governmental policy; civilians arrested, imprisoned or abducted whether their families informed or not, as well as victims of forced disappearance in the sense given this term in international human rights law. In all such cases, international humanitarian law recognizes the right of families to know the fate suffered by their disappeared relatives.

The XXIV International Conference of the Red Cross and Red Crescent, held in Manila in 1981, reaffirmed the existence of this right in its Resolution II concerning “forced or involuntary disappearances,” indicating that: “the families have the right to be informed about the whereabouts, health and well-being of their relatives, a right reiterated in various resolutions of the United Nations General Assembly.”

⁶⁰ When there is no provision in an international treaty or statute nor any recognized customary principle of international law available for application in an international dispute, the general principles of law can be used to “fill the gap.”

One of the first international meetings, if not the first, convened on this subject, the Colloquium on the forced disappearance of persons, held in Paris in January/February 1981, addressed this problem. With reference to the family members of victims of forced disappearance, the rapporteur of the colloquium, the French magistrate Louis Joinet, stated in his final report that:

Their right to protection originates in the fundamental right of families to know the fate suffered by their loved ones, as defined by the Geneva Conventions and Protocols. [...] It would be shocking at the humanitarian level – and legally paradoxical to say the least – to note that, *de facto*, persons subjected to forced or involuntary disappearance do not benefit from the same guarantees recognized in positive law, and in particular in the Geneva Conventions, for persons who disappear during the course of, or on the occasion of, armed conflicts.⁶¹

On this basis, the Paris colloquium recommended that: “The protection, in times of peace, of disappeared persons and their families should be greater than – or *a fortiori* at least equal to – that recognized to persons who disappear in times of war.”⁶²

The principle of equal or greater protection in times of peace in relation to the protection recognized in times of war was reiterated by the Meeting of experts on rights not subject to suspension in situations of emergency and exceptional circumstances, organized by the United Nations Special Rapporteur on the Question of human rights and states of emergency.⁶³ The meeting of experts concluded that given the concordance of jurisprudence with the opinions of

⁶¹ Louis Joinet, "Rapport général", in Le refus de l'oubli - La politique de disparition forcée de personnes - Colloque de Paris, Janvier/février 1981, Ed. Berger-Levrault, collection "Mondes en devenir", Paris 1982, p. 302 (Free translation).

⁶² Ibid.

⁶³ See "Report of the Meeting of experts on rights not subject to suspension in situations of emergency and exceptional circumstances, held in Geneva, 17 - 19 March 1995" reproduced in the report of the United Nations Special Rapporteur on the Question of human rights and states of emergency, United Nations document E/CN.4/Sub.2/1995/20, Annex I.

the United Nations special rapporteurs, the right to truth constituted a norm of customary international law.⁶⁴

D. Impunity of Perpetrators; The Right to Truth

The Special Rapporteur on the question of the impunity of perpetrators of violations of civil and political rights, of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, has considered that the right to truth - or “right to know” according to the term which he employs – exists as such and is an “inalienable right.”⁶⁵ The study undertaken by the expert ended in the elaboration of a draft *Set of principles for the protection and promotion of human rights through action to combat impunity*,⁶⁶ today under consideration by the Commission on Human Rights. This project incorporates among its principles “the victims’ right to know.” More specifically, Principle 3 stipulates: “Irrespective of any legal proceedings, victims, their families and relatives have the imprescriptible right to know the truth about the circumstances in which violations took place and, in the event of death or disappearance, the victim's fate.”

For the expert on the question of impunity “action to combat impunity has its origin in the necessity that justice be done, but it cannot be centered solely in this objective: to punish the guilty. It must respond to three imperatives: sanction those responsible, but also satisfy the right of the victims to know and to obtain reparation and, in addition, allow the authorities to discharge their mandate as the power which guarantees public order.”⁶⁷

E. The Right of the Families to Be Informed

⁶⁴ Ibid, par. 40, p. 57.

⁶⁵ United Nations document, E/CN.4/Sub.2/1993/6, par. 101.

⁶⁶ United Nations document E/CN.4/Sub.2/1997/Rev.1, Annex I.

⁶⁷ Expert on the question of the impunity of perpetrators of violations of civil and political rights, United Nations document E/CN.4/Sub.2/1993/6, par.16.

The United Nations Special Rapporteur on the Question of human rights and states of emergency has emphasized that the right of families to be informed concerning the whereabouts of their members also has a legal basis in the *Convention on the Rights of the Child*, and more specifically in its article 9(4).⁶⁸ This provision establishes, in the case of separation of the child from its parents as the result of a measure adopted by the State, the obligation of the State to provide basic information about the whereabouts of the absent family member or members, to the child, to the parents and even, in certain circumstances, to other relatives.⁶⁹

In the case of the United States Indian Boarding School Policy, which separated children from parents, the USA has not provided even basic information about the children who were taken, or accounted for the whereabouts or fate of an unknown number of Indigenous children.

F. The Inter-American System of Human Rights Protection

The General Assembly of the Organization of American States, in various resolutions, and even if it has not used the term “right to the truth,” has urged states to inform relatives concerning the fate of the victims of forced disappearance.⁷⁰ This exhortation was reiterated by the General Assembly in its momentous Resolution 666 (XIII-0/83)⁷¹ – which declared that the practice of forced disappearance constitutes a crime against humanity – as well as in subsequent resolutions.⁷²

The Inter-American Commission on Human Rights has long recognized the right to the truth, both generally for the victims of human rights violations and their relatives, as well as specifically with regard to forced disappearances. In its annual report for 1985-1986, the Inter-

⁶⁸ United Nations document E/CN.4/Sub.2/1991/20, Annex I, p. 45.

⁶⁹ United Nations document E/CN.4/Sub.2/1991/20, Annex I, p. 45.

⁷⁰ Resolution AG/RES. 618 (XII-0/82), adopted on 20 November 1982, par. 7.

⁷¹ Resolution AG/RES. 666 (XIII-0/83), adopted on 18 November 1983 par. 5.

⁷² See, for example, Resolution AG/RES. 742 (XIV-0/84), adopted on 17 November 1984, par. 5.

American Commission concluded that: “[N]othing can prevent the relatives from knowing what happened to their loved ones.”⁷³

G. Specific human rights denied by enforced or involuntary disappearances

Various human rights of the members of the family of a missing or disappeared person may also be infringed by that person's enforced absence.⁷⁴ Their right to a family life may be seen as the principal right involved but other rights of an economic, social and cultural nature can also be directly affected; for example, the family's standard of living, health care and education may all be adversely affected by the absence of a parent. The adverse impact of the disappearance of a parent on the mental health of children has been pointed out elsewhere.⁷⁵ Finally, the Additional Protocol I to the Geneva Convention of 12 August 1949 has recognized “the rights of families to know the fate of their relatives” and this right of relatives to be informed of the whereabouts and fate of missing or disappeared family members is recognized in resolutions of United Nations bodies.⁷⁶

IV. INDIGENOUS CHILDREN WHO REMAIN UNACCOUNTED FOR UNDER THE USA INDIAN BOARDING SCHOOL POLICY

American Indian children died or were sent home from boarding schools at alarming rates, indicating that health often failed students because of their attendance at these institutions. And tens of thousands of students ran away from the schools. Although obligated by Indian Office directives to send reports home, Superintendents did not always inform parents and

⁷³ Annual Report of the Inter-American Court of Human Rights, 1985-1986, OEA/Ser.L/V/II.68, Doc. 8 rev 1, of 28 September 1986, p. 205.

⁷⁴ Working Group on Enforced or Involuntary Disappearances: General Comment on the Right to the Truth in Relation to Enforced Disappearances. United Nations document, E/CN.4/1435, of 22 January 1981, Par 187.

⁷⁵ See for example, the report of the Ad Hoc Working Group on the Situation of Human Rights in Chile to the General Assembly at its thirty-third session, A/33/331, para. 376. [Fn 10 to Par 187.]

⁷⁶ See for example, the most recent resolutions of the General Assembly on the situation of human rights in Chile, 34/179 and 35/188. [Fn. 11 to Par 187.]

reservation agents that children had left the school, were sent home, or died. In some cases, letters may have been sent, but extant records do not exist in student files. Still, not informing even one family is a violation and cause for concern.

Research on Chemawa and previous research on other schools yielded nine Indigenous students who are missing—having deserted, sent home, or died—and that the school’s administrators did not notify their families and their whereabouts are unknown. This is not intended to be an exhaustive list of missing Indigenous students. Rather, the results of this research indicate that there are likely many more such cases, but the imprecise nature of the record keeping in these institutions makes it difficult to generate reliable statistics. A few examples that we were able to identify are listed below.

1. Robert Johnson, from the Afognak village, attended Chemawa Indian School. In June, 1924 he ran away from the school. Robert’s guardian, Herman V. Scheele, expected him home for summer, grew concerned when Robert never arrived, and notified the school on September 3, 1924. He worried, “Robert...is actually lost and no trace of him should have been found in so long a time.” Robert’s sister responded to a school letter trying to find him, “The only thing I know is that he was on the way home and this was in July and I don’t know anything more.” There is no further mention of Robert and it is believed that he is missing.
2. Demetrio Apodaca (Unknown Pueblo) was from Cabezon, NM and went to Haskell on August 16, 1904. He remained at Haskell through 1909, at which time his guardian E.M. Sandoval reported Demetrio missing to the school around August 25, 1909. There is no further mention of the boy. Unfortunately, the documentation in the school’s archives only notes that Demetrio was Pueblo and doesn’t specify from which community(ies) he comes from. Given the proximity of Cabezon to Jemez, he may belong to Jemez.
3. Reginalda Guassac was a La Jolla Band of Luiseño student who attended Sherman Institute. A note in her file reads: “Reginala Guassac Died October 2, 1910.” The school did not apparently send letter home to notifying her family or the La Jolla Band of her death. She does not appear to be buried in Sherman’s cemetery, and her final resting place is apparently unknown. To help find her records, possible parents include Josefa Guassac and Mary Antonio Guassac, both of whom had died before Reginalda was taken to Sherman.
4. Isabel [Isabelle] Brown enrolled from San Diego at Sherman in September, 1920. Both of

her parents, Frank and Margaret Brown, had already died as indicated by her information card. Seven years later in April, school administrator's sent her to the Soboba Sanitarium. No letter was ever sent home to notify her family and it is unknown what happened to Isabel.

5. Antonio Ardilla left Temecula after both of his parents, Encarnaciona Ardilla and Antonio Ardilla, had both died attend Sherman Institute on September 13, 1912. Sherman's records indicate that he died there in January 1914. The school apparently did not notify his family or tribal nation of Antonio's death, and he is not buried in Sherman Institute cemetery. Therefore according to the available records, he is missing.
6. Claudia Williams (Seneca) from the Cattaraugus Reservation enrolled at Carlisle on October 1, 1908. She was placed into the outing home of Jno. C. Beatty in Beverly, NJ on August 27, 1909. She disappeared from the home either 10/12/1911 or 11/9/1911. Claudia's father, Charles Williams from Versailles, NY, wrote to the school on June 4, 1912: "Have you been looking for my daughter Claudia? it has been all this long time....I wish a thousand times that I never sent my children to Carlisle....I don't know if I will see my daughter again." No further mention of Claudia exists in the records and her whereabouts are unknown.
7. David Steele [Thief] (Standing Rock Sioux) enrolled at Carlisle Indian Industrial School on October 6, 1913 and deserted for a second time on November 16, 1914. The school apparently sent no letter home notifying his family or tribal nation of David's desertion. David's father, Martin Thief, claimed that his son was taken out of South Dakota without parental consent. The school's superintendent wrote that only Reservation Superintendent J.Y. Hamilton signed the application. No other letters exist indicating what happened to David. It is unknown if he ever made it home or is missing.
8. Mary Kininnook, the great aunt of Eleanor Hadden (Haida/Tlingit), attended Carlisle Indian Industrial School beginning on October 24, 1903 and died there five years later on December 28, 1908. Her family was never notified of her death and it is unknown where her remains are. Currently, it is possible that her remains are in an unknown grave in Carlisle's school cemetery.
9. Mabel Green (DOB 1900) enrolled at Sherman on September 29, 1917. Her father, Frank Green, alleged that Mabel was taken without his consent of knowledge on January 26, 1919. It is unclear if Mabel was ever sent home or deserted. Sherman's student files make no further mention of her.

Finding missing children is difficult. Boarding school records created by the federal government provide clues to what happened to the missing and disappeared children, especially if they contracted a lethal disease, and died, but these records were idiosyncratic and inconsistent across institutions. The fragmentary nature of the physical records and the nature of students being

taken to schools distant from their homes make records difficult to obtain. Further, children that went to multiple schools over their lives can have records spread all over the country. The records are also often hidden behind US privacy law, making the contents of any records from 1943 until today inaccessible. The sheer volume of records held by the federal government is another impediment to determining what happened to thousands of boarding school students who never returned home. Because the federal government operated so many schools, there are millions of extant records across dozens of archives, all of which are necessary to determine the fate of these thousands of students. The records that the government does hold are sometimes destroyed by mold, water damage, and general physical degradation.

VII. GPR RESEARCH UNDERSCORES NEED FOR ADDITIONAL INFORMATION.

Preliminary ground-penetrating radar studies performed by Marsha Small indicate potentially hundreds of unmarked graves at the Chemawa Indian School in Oregon. In her research there, Ms. Small writes of her methodology:

For easier analysis of data, the cemetery grid was split into two rectangular grids with east-west delineation. ... Utilizing a pedestrian survey and the 1960s historic cemetery map, I located over sixty-three sites that are characteristic of burial sites on the southern rectangular grid 'A' without any markers. On the north side grid 'B', in pedestrian survey alone I located over seventy that have high burial site features. With Ground Penetrating Radar data analysis there could be hundreds.⁷⁷

In her study, Ms. Small identified additional threats to the unmarked cemetery sites, including pending development and increased risk for vandalism.⁷⁸ Ms. Small's research is ongoing, and in the coming years will expand to other Indian School cemeteries with similar unmarked burial areas. The unmarked gravesites, such as those at Chemawa, suggest that the number of indigenous children who disappeared and were not accounted for may be very high. This

⁷⁷ Marsha Small, M.A., "Preservation of Sacred Sites and Sacred Places With Geo-referencing Systems: A Voice for the Children of Chemawa Cemetery" 8, professional paper submitted May 2015.

⁷⁸ *Id.* at 31.

research raises deep concerns about how many indigenous children died as a result of the United States Indian Boarding School Policy, and still have not been acknowledged, documented, or addressed by the United States government.



FORM TO SUBMIT A COMMUNICATION ON AN ALLEGED ENFORCED OR INVOLUNTARY DISAPPEARANCE

IMPORTANT PRELIMINARY NOTICE

INSTRUCTIONS RELEVANT TO ALL COMMUNICATIONS

- There are **6 required elements, indicated with *** without which the communication cannot be processed.

These are:

- 1) **Identity** of the disappeared person (full name);
- 2) **Date** on which the disappearance occurred (at least month and year);
- 3) **Place** of arrest or abduction, or where the disappeared person was last seen;
- 4) **Forces** (State or State-supported) believed to be responsible for the disappearance;
- 5) **Action taken** by the relatives or others to locate the person. If action was not possible, explain why;
- 6) **Identity of the person or organization submitting the report.**

Please, make sure, before sending the communication form, that all the above mentioned required elements are included. This will allow for a smoother consideration of the case.

- If submitting a handwritten communication, please use capital letters.
- Please provide names in full of institutions (security forces, governmental bodies or others). Please, do not use abbreviated forms.
- Describe facts in a clear and concise fashion, providing as much details as possible.
- Submit one form per disappeared person.
- If you would like particular information to be kept confidential please indicate this.

INSTRUCTIONS RELEVANT TO COMMUNICATIONS SUBMITTED BY NGOs

- It is necessary for your organization:
 - a) to have the consent of the family of the disappeared, and;
 - b) to be able to carry out follow-up, by conveying Government information to the family sent from the Working Group, and from the family to the Working Group until the fate or whereabouts of the person are determined.
- Therefore, **please answer to the following mandatory questions:**
 - * Does your organization have direct consent from the family of the disappeared to submit this communication form to the Working Group on Enforced or Involuntary Disappearances on their behalf? Yes No
 - * Will your organization be able to provide follow up by conveying information between the family and the Working Group: Yes No

ADDRESS TO SUBMIT A COMMUNICATION

E-mail: wgeid@ohchr.org **Fax:** +41 22 917 9006 (please, indicate: "For the attention of: WGEID").

Post: Working Group on Enforced or Involuntary Disappearances
Office of the High Commissioner for Human Rights
Palais des Nations, 8-14 Avenue de la Paix
CH-1211 Geneva 10, Switzerland



WORKING GROUP ON ENFORCED OR INVOLUNTARY DISAPPEARANCES

COMMUNICATION FORM

1. INFORMATION CONCERNING THE DISAPPEARED PERSON

- (a) * Family name(s): Kininook
- (b) * Given names(s): Mary
- (c) Pseudonyms or other forms besides given name, by which he or she may be known:
- (d) Sex: male / female (e) Occupation/profession: student
- (f) father's name: William Kininook mother's name: Lucy Kininook
- (g) Date of birth: 12/25/1894 (h) Place and country of birth: Alaska, U.S.A.
- (i) Was the person below 18 years-old at the moment of the disappearance? yes / no
- (j) Identity document (passport, national identity card, voter's card or any other relevant national identity card)
type: number:
date of issue: place and country of issue:
- (k) Nationality or nationalities: U.S.A.
- (l) Address of usual residence: Ketchikan, Alaska, U.S.A.
-
.....
- (m) Any other place of residence at the moment of the disappearance: Carlisle Indian School,
Carlisle, PA, U.S.A.
-
.....
- (n) Marital status: (o) Indigenous: yes / no (p) Pregnant: yes / no

2. INFORMATION CONCERNING THE FACTS

- (a) * Date of arrest, abduction or disappearance (at least month and year) enrolled in school from 6/30/1908.
- (b) * Place of arrest, abduction or where the disappearance occurred (be as precise as possible. Indicate street, city, province or any other relevant information) Carlisle, Pennsylvania, U.S.A.
-
.....
.....
.....

(c) * Date when the person was last seen (at least month and year), if different from date of arrest or abduction (for example: if seen in a prison months after the initial arrest or abduction)

unknown

(d) * Place where the person was last seen (if different from place of arrest or abduction. For example: if seen in a prison months after the initial arrest or abduction. Please, be as precise as possible. Indicate street, city, province or any other relevant information)

Carlisle Indian School, Carlisle, PA, U.S.A.
Mary Kininnook is reported as deceased on 12/27/1908. Her whereabouts, or the location of her remains, is unknown.

(e) Please, provide a full description of how the disappearance took place (attach one page if necessary. Please note that, although this is not a required element, providing a description as detailed as possible of the circumstances of the disappearance will enhance the possibilities to find the person).

Mary Kininnook was taken by the United States government into their custody to attend a boarding school program run by the U.S. government. She never returned home to her family in Alaska and her location, or the location of her remains, is unknown.

(f) * State or State-supported forces believed to be responsible for the disappearance. If the perpetrators are believed to be State agents, please specify and indicate who and why they are believed to be responsible. Be as precise as possible (military, police, persons in uniform or civilian clothes, agents of security services, unit to which they belong, rank and functions, identifications presented, etc.).

Agents of the United States government operating the Carlisle Indian School, and administering the U.S. Indian Boarding School policy and implementing that program.

(g) If identification as State agents is not possible, please indicate why you believe that Government authorities, or persons linked to them, may be responsible for the incident.

Because of the amount of time passed, we cannot provide specific names of individuals; however, it is clear that Mary Kininnook was at a government-run Indian Boarding School.

(h) If there are witnesses to the incident, please provide their names and relation to the victim. If they wish to remain anonymous, indicate if they are relatives, by-standers, or others. If there is evidence, please specify.

Please see attached statement from Eleanor Hadden, niece of Mary Kininnook, and forms from Mary Kininnook's records at Carlisle Indian School.

(i) Additional Information on the case. Please indicate any other relevant information that could be useful to find the person

3. INFORMATION CONCERNING ACTIONS TAKEN AFTER THE DISAPPEARANCE

* Indicate any action taken (police inquiries, jail, human rights commission, habeas corpus petition etc.) taken by the relatives or others to locate the person. You are required to state the following: *when*, by *whom*, and before *which organ* the actions were taken.

(a) Complaints (*when*, by *whom*, and before *which organ/s*)..... N/A

(b) Other steps taken (*when*, by *whom*, and before *which organ/s*)..... N/A

(c) If no action was taken, please explain why..... N/A

4. PERSON OR ORGANIZATION SUBMITTING THE COMMUNICATION

* Person submitting the communication

(a) Family name:

(b) First name:

(c) Relationship with the disappeared person:

(d) Contact details (address, telephone, fax, email)

* Organization submitting the communication (if applicable)

(e) Contact details (address, telephone, fax, email):

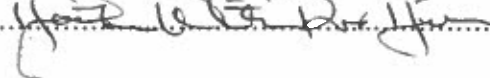
Heather Whiteman Runs Him, Senior Staff Attorney
Native American Rights Fund, 1506 Broadway, Boulder, CO,
U.S.A., (303) 447-8760, heatherw@narf.org

5. CONFIDENTIALITY REQUEST

Please state whether you would like your identity to be kept confidential

Yes, keep my identity confidential: No request for confidentiality:

* Date: April 12, 2019..... Place: Boulder, CO.....

* Signature of author: 

Testimony via email from Eleanor Hadden, "erhadden@gci.net"

Good morning,

I think this should cover the information about my great aunt, Mary K. I have an Apple computer with Pages instead of Word. To expedite matters instead of trying to convert the document to Word, I am sending this in the body of this email. I would appreciate the status of this project, and any written information about it.

The writing about the loss of family members has brought back a variety of emotions. For the longest time, we have wondered if others cared that we lost our family members. As I have told people about what I was doing, people being suspicious as there is a history of our information being used for purposes that we didn't intend it to be used for came to their mind. Comments were made to me about not sending this information as it might benefit others and not "us" was the common theme.

Eleanor

To Whom it May Concern,

While my mother was growing up, her mother would tell her about her older sister and younger brother that were buried somewhere else. My mother wanted to find the burial spot of both.

Early summer if 1984, while living in Massachusetts, my husband and children took a trip south along the Great Smokey Mountains to Atlanta. Before we took the trip, my mother knew we would be traveling close to Carlisle Indian School, now known as the Army War College in Pennsylvania.

When my mother was young, my grandmother told my mother that her older sister, Mary K. (aunt) had died at Carlisle Indian School. Since we were close to the Indian School/War College, we stopped at the archives to search through any records there might be of Mary Kininnook. We went to the archive office ,and the archivist asked several questions about Mary Kininnook. She then brought out a long drawer approximately 2' long x 6" wide x 3" deep. This one particular drawer was half filled with small black and white photos of Native American children. I'm not sure how the photos were categorized such as age, region, tribe, etc. The

archival staff asked if I wanted to go through the pictures to see if I could pick out my great-aunt. I told them, "I don't know what my grandmother looked like as a little girl, how would I be able to pick out her older sister?" The staff put the pictures back into the drawer and put it away. They told me they had no information about Mary Kininnook, my great-aunt, and did not give any other information on where else I might do research to locate my great-aunt. They did tell me where the cemetery was located which was by the back gate of the Army War College. We went to the cemetery and found rows and rows of names of the Native American children with affiliated tribes and dates of death. My great-aunt did not have a headstone. There were over 10 headstones that were listed as "Unknown."

We left there to finish our trip south making a stop at Gettysburg. We took a tour of the place and learned more of the history of Gettysburg. What I noticed was where every Army group died, there was a monument of each death of both the North and the South from the Civil War. I was hurt and angry that the Native American children were buried in cemetery plots that listed them as "Unknown" or there was no evidence of Mary ever having attended the school. That evening I had to call my mother to let her know that we couldn't find any evidence of my grandmother's older sister, Mary. I told my mother, "Mom we couldn't find her." It felt like we had lost her again. We both cried.

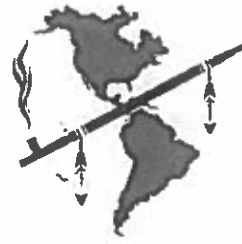
My mother then continued to do some research. Mom worked with Barbara L. to find some evidence of Mary K. attending the school. At one point, my mother was questioned as to whether or not Mary had actually had attended the school. My mother replied with, "Why would my mother make up this story?" Eventually two pieces of paper were found that proved Mary had attended the school, one was her admittance to the hospital and a line in the school newspaper saying Mary had been "sent" to Gap, PA on an outing. These outings were, from our understanding, for children to go work at farms, houses, factories to learn how to function in the western world.

In 2000, my parents and I attended a ceremony and pow wow at Carlisle/War college regarding the "experiment that didn't work." While there, we met Barbara L. We also participated in the ceremony for the children that didn't come home. We continued to do more research. The hospital where Mary died is now quarters for visiting military officers or those

military needing temporary housing while transitioning to the War College. We visited the cemetery, as well as the parade ground which used to be the original cemetery. All of the remains of the Native American children were supposedly moved to from the original spot to where it is located today. My parents and I went to Gap, PA but we didn't know where to go to find any information about the "outing program" so we just drove around the community.

I had heard at one time that one out of five children that left or were sent away from home, only one returned home. When my grandmother was about 12 years old, she attended Chemawa Indian School in Salem, OR from 1912-1916. When she and her younger sister, and younger brother, aged 4 arrived at the school, it was discovered that the younger brother had early stages of tuberculosis. He was then sent to Lapwai, ID to the tuberculosis sanitarium, where he died and is buried at the then hospital cemetery. My grandmother is the only one of her siblings that returned to Alaska. Grandma's older brother and younger sisters moved to California and had little to no contact with their biological family.

My mother is now 86 and no longer able to travel long distances. It was her hope to visit both burial spots of her aunt and uncle. We have yet to make the trip to the tuberculosis sanitarium in Lapwai, Idaho.



Template for the submission of Information and Testimonies about American Indian and Alaska Native Children who went missing under the U.S. Boarding School Policy and who remain accounted for

Information provided to the Native American Rights Fund, the National Native American Boarding School Healing Coalition and the International Indian Treaty Council for submission to the United Nations Working Group on Enforced and Involuntary Disappearances should include the following:

Note: Since such cases may be from previous generations and records and family histories may be incomplete, please note if the requested information is not known or is approximate.

Advisory: Completing this survey may trigger secondary trauma or PTSD; we encourage individuals to seek counselling or healing if you experience any stress related to boarding school history.

*Died ~
Dec. 27,
1908*

Name of child who attended and went missing while at US Indian Boarding School:	Mary Kinimook
Gender:	Female
Date of Birth:	*
Tribal Nation:	Tlingit
Date or Year child left for Boarding School (or approximate if not known for certain):	*
Name and location of Boarding School (or last school known location):	Carlisle, PA (Outing @ Gap, PA)
Type of school (Government, church, private etc.)	Govt
Last date or year of communication with child (When she left)	* None @ school
Date or year of last communication from the Boarding School and/or US government officials:	None?
What was the content of the last message received from the child and/or the boarding school: (please provide as much relevant detail as possible)	
Do you currently know the current whereabouts and/or final resting place of the child?	No — think she's in an "unknown" grave @ Carlisle

photo of tombstone in ~~Carlisle~~ based on appo Sakman

Do you know the ultimate fate of the child? (i.e., whether they got sick, ran away, moved somewhere else, or passed away?) Please also include how you know this (i.e. eye witness, family oral history, written records, independent research, etc.)	She died. Record of her being in the hospital. Provided by Cumberland Historical Society
Describe actions taken by you/the child's relatives and/or Tribal authorities to find the child and if there is any previous or ongoing investigation of the case:	Went to Carlisle in 1988 to Eleanor look for records. No official investigation.
What was the result of the investigation? Include any correspondence sent or received (copies, not originals please)	Two records - one hospital + outlying record
Your Name:	Eleanor Louise Hadden
Your Relation to the Child/family concerned or role in collecting this information:	Grand Niece Grand
Confirm if the victim(s), witness(es), family members and/or appropriate tribal officials have provided informed consent for the submission of this information to the United Nations Working Group on Enforced and Involuntary Disappearances. * consent by the victim(s) or their family/lawyer, including their understanding of the possible risks involved, is absolutely essential in cases of violations against individuals	Yes. Eleanor Hadden Eleanor Hadden Laird Jones Laird Jones
Date of submission	10/21/17.
Provide name, contact details and professional role (if relevant) of the individual or organisation submitting the enclosed information * *This shall remain confidential	Christine McCleave, Executive Officer National Native American Boarding School Healing Coalition - Christine McCleave

+ Subsequent to the submission of this information, it is essential to keep the UNWGEID via the submitting organizations updated by sending information on any positive or negative developments which may occur and which bring about a change in the situation.

Please send this information via email to any of the following:

- Heather Whiteman Runs Him at heatherw@narf.org or 303.447.8760
- Andrea Carmen at andrea@treatycouncil.org or 415-641-4482
- Christine Diindiisi McCleave at cmccleave@nabshc.org or 720.408.5585

If you or the family member providing this information prefers to be interviewed in person, please let us know and we will make these arrangements

1
5775

Dead 7/27/08

PHYSICAL EXAMINATION.

NAME OF PUPIL *Kinnisook Mary*

AGE *17* YEARS New Returned STUDENT. TRIBE *Alaskan* STATE *Alaska*

INSPECTION *Extreme dyspnoea Expansion greatly diminished. Fair development*

PALPATION *Negative*

PERCUSSION *Flatness over entire chest except small area in right axillary line.*

AUSCULTATION *Numerous rales of all kinds, breath sounds increased inspiration and expiration over both lungs.*

MENSURATION Insp. *30 1/2* Exp. *29 1/2* RESPIRATION..... VACCINATION.....

TEMPERATURE..... degs. HEIGHT..... FT..... IN. VISION.....

PULSE..... WEIGHT..... LBS.

MENSTRUATION.....

FAMILY HISTORY: *Dead 1*

	Living	Condition of Health	Dead	Cause of death
FATHER	<i>yes</i>	<i>good</i>		
MOTHER	<i>yes</i>	<i>good</i>		
BROTHERS {	<i>2</i>	<i>good</i>	<i>1</i>	<i>?</i>
SISTERS {	<i>3</i>	<i>good</i>	<i>1</i>	<i>?</i>

PERSONAL HISTORY: *Confined to bed in hospital for past 5 weeks. High temperature. Weakness and emaciation. Cough.*

REMARKS: *Dead movements cause extreme dyspnoea.*

Examined for Outing..... 190..... Physical Condition.....

Remarks:.....

BRIEF.

APPLICATION OF

W. E. Kinnisook

FOR THE ENROLLMENT OF

Mary Kinnisook

IN THE INDIAN SCHOOL AT

CARLISLE, PENNSYLVANIA

NAME OF AGENCY FROM WHICH PUPIL CAME:

Date of enrollment, _____, 190

Term of enrollment, *life from June 30, 1908*

NAME OF COLLECTING AGENT:

Position, _____

*Enroll on card
Nov 11-07
Sch.*

*Recd
NOV 9-1907*

APPLICATION FOR ENROLLMENT IN A NONRESERVATION SCHOOL

(For a child enrolled at an Agency.)

For and in consideration of the Government of the United States assuming the care, education, and maintenance in the United States Indian School at Carlisle Pa

of Mary Kininnook; Female, date of birth Dec 25, 1894;
(Name of child.) (Sex)
Alaskan
(Tribe.)

NAME OF FATHER <small>(Both Indian and English.)</small>	Living or Dead	TRIBE	BAND	DEGREE OF INDIAN BLOOD.
<u>Wm Kininnook</u>	<u>Living</u>	<u>Alaskan</u>		
<u>Lucy Kininnook</u>	<u>Living</u>	<u>Alaskan</u>		

I, William Kininnook, do hereby voluntarily consent and agree to her
(Parent, guardian, or next of kin.)
 enrollment in said school for a period of one (1) (Not less than 3.) years from June 30, 1908, and also obligate myself to abide by all the rules and regulations for Indian schools.

The said child has been enrolled in the following schools:

NAME OF SCHOOL	DATE OF ENROLLMENT	DATE OF DISCHARGE	CAUSE	GRADE
1. <u>I, Mary Kininnook, consent to the enrollment as above.</u>				
2. <u>Mary Kininnook</u>			<u>Pupil.</u>	
3. <u>Witnesses</u>				
4. <u>Ella F. White</u>				

Sign here W E Kininnook
(Parent, guardian, or next of kin.)

P. O. address: Saxman
Ketchikan P.O.
Alaska.

Two witnesses:

Edwina Marsden
Mrs. Edwina Marsden

PHYSICIAN'S CERTIFICATE.

I hereby certify that I have this day carefully examined the above-named child herein proposed for transfer and find _____ to be in proper physical condition to attend school, and not afflicted with tuberculosis or any disease which would be a menace to the health of other pupils.

This _____ day of _____, 190

Physician at _____ Agency.

CERTIFICATE OF AGENT OR BONDED SUPERINTENDENT.

I hereby certify that the statements made in the foregoing application and certificate, to the best of my knowledge and belief, are true; that the consent of _____
(Parent, guardian, or next of kin.)
was voluntary, and I recommend the transfer of the said child.

This _____ day of _____, 190

Agent or Superintendent.

SPECIAL NOTE.

This form must be executed in duplicate when a child is transferred from a reservation to a nonreservation school. The Superintendent of the nonreservation school will retain the original for his files, and the duplicate shall be deposited in the Agency records. The agent will then send to the Commissioner of Indian Affairs his certificate as provided by law. All the blanks must be properly filled in every case.

NOTE

Age limits, fourteen to twenty years. Preferably fourteen to eighteen. Students must be at least one-fourth Indian, preferably full Indian. Special cases beyond the age limit will be given consideration. An industrial course only can be taken and the term reduced to three years, in exceptional cases.

INDORSEMENTS

The laws relating to the transfer of Indian children from reservations and schools are as follows:

That hereafter no Indian child shall be sent from any Indian reservation to a school beyond the State or Territory in which said reservation is situated without the voluntary consent of the father or mother of such child if either of them are living, and if neither of them are living without the voluntary consent of the next of kin of such child. Such consent shall be made before the agent of the reservation, and he shall send to the Commissioner of Indian Affairs his certificate that such consent has been voluntarily given before such child shall be removed from such reservation. And it shall be unlawful for any Indian agent or other employee of the Government to induce, or seek to induce, by withholding rations or by other improper means, the parents or next of kin of any Indian to consent to the removal of any Indian child beyond the limits of any reservation. (28 Stats., p. 906.)

Provided, That hereafter no Indian child shall be taken from any school in any State or Territory to a school in any other State against its will or without the written consent of its parents. (29 Stats., p. 348.)

The rules provide that—

A pupil who has been regularly enrolled in a nonreservation school must not be taken to any other nonreservation school without the consent of both Superintendents and the Commissioner of Indian Affairs, and Superintendents will be held to strict accountability for such pupils taken to their schools.

An Indian boy or girl 18 years old and over may, without the consent of parents or others, personally sign the application form on its being changed to quit the case.

This form is to be used only in transfers from reservations or Indian schools to nonreservation schools.