

**Tex Hall, President
National Congress of American Indians
Testimony
S.J. Res 15, Apology Resolution
May 25, 2005
Senate Committee on Indian Affairs**

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

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

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

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

It is a long-time coming.

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

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

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

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

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

I had the opportunity recently to testify before this Committee on the President's proposed budget for FY 2006. As I said at the time, Indian people are deeply disappointed that this budget does not support strong tribal self-government and self-determination. The President has proposed drastic budget cuts to many of the programs that are vital to the health and well-being of our people. For example, American Indians and Alaska Natives have a life expectancy 5 years less than all other races in this country and suffer from high rates of diabetes, heart disease, suicide, cancer, and alcoholism. Despite these health disparities, the per capita expenditure for American Indian and Alaska Native medical services is less than one-third of the average annual expenditure for individual Medicaid assistance, and is even less than the nation's per capita health

expenditure for federal prisoners. These programs are guaranteed to us by solemn treaties and tribes paid for these services by ceding about 3 billion acres of land to the federal government. A strong federal commitment to make good on old promises to provide resources for services, prevention programs, and health care facilities is badly needed to turn around the troubling health statistics in Indian Country and is an important step toward reconciliation.

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

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