

**2021 HOUSE HUMAN SERVICES**

**HB 1488**

# 2021 HOUSE STANDING COMMITTEE MINUTES

**Human Services Committee**  
Pioneer Room, State Capitol

HB 1488  
2/8/2021 AM

Relating to the creation of the truth, healing, and reconciliation commission; to provide for a legislative management report; and to provide an expiration date
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**Chairman Weisz** opened the hearing at 10:04 a.m.

<b>Representatives</b>	<b>Attendance</b>
Representative Robin Weisz	P
Representative Karen M. Rohr	P
Representative Mike Beltz	P
Representative Chuck Damschen	P
Representative Bill Devlin	P
Representative Gretchen Dobervich	P
Representative Clayton Fegley	P
Representative Dwight Kiefert	P
Representative Todd Porter	P
Representative Matthew Ruby	P
Representative Mary Schneider	A
Representative Kathy Skroch	P
Representative Bill Tveit	P
Representative Greg Westlind	P

## **Discussion Topics:**

- Five-member commission establishment
- Commission director
- Spiritual advisors

**Chairman Weisz** opened the hearing at 10:04 a.m.

**Cara Hall, Cree Indigenous Woman from Maskwacis Cree (10:06)** testified in favor and submitted testimony #5874.

**Ken Hall, Member Affiliated Tribes (10:14)** testified in favor.

**Rep. Ruth Buffalo, District 27 (10:25)** testified in favor, submitted testimony #6527 and proposed Amendment 21.0872.06001- #5972.

**Carel Two Eagle (10:34)** testified in favor.

**Sandy White Hawk, Founder & Director First Nations Repatriation Institute (10:40)** testified in favor and submitted testimony #5866.

**Erica Thunder, Commissioner North Dakota Department of Labor & Human Rights (10:46)** testified in favor/neutral and submitted testimony #5850.

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**Andrew Alexis Varvel, Bismarck (10:52)** testified in opposition and submitted testimony #5769.

**Additional written testimony:** #5653, #5749, #5765, #5766, #5773, #5774, #5775, #5778, #5783, #5822, #5839

**Chairman Weisz** adjourned at 11:04 a.m.

*Tamara Krause, Committee Clerk*



2/8/2021

Sixty-seventh Legislative Assembly of North Dakota  
HOUSE BILL NO. 1488

BILL for an Act to create and enact a new section to chapter 14-02.4 of the North Dakota Century Code, relating to the creation of the **TRUTH, HEALING, AND RECONCILIATION COMMISSION**; to provide for a legislative management report; and to provide an expiration date.

**GOOD MORNING CHAIRMAN AND MEMBERS OF THE COMMITTEE.**

**MY NAME IS CARA CURRIE HALL.**

I am a Cree Indigenous Woman from the Maskwacis Cree. I am a wife, a mother, and a grand mother.

I want to give acknowledgement to the People of the MHA Nation on whose original territory we are on today.

I am here today to ask this Committee and your colleagues, to give your strong support for this Bill that will establish and build a bridge to the future.

**I am asking you to give Bill No. 1488 a DO PASS.**

I have been here in several legislative sessions over the years lobbying for a better way, for something more fair, more equal, joining you all in making our communities and societies safer. I am not here to demand, I am here to offer support and information for your important work.

We have a legal and political relationship.

I grew up understanding that the Treaty of our People was an international agreement and we are Sovereign Nations. Within that Sovereignty, we share our lands and resources through agreements and instruments. We

understand that with our Rights, Treaty or otherwise, we also have Responsibilities.

As the First Peoples we are raised to know that we are to live in a manner that is one of peaceful coexistence, of accountability, - of accountability, to the One Who Owns Us. The Creator. We first learn that we are spiritual. This is critical to understand why we know we must address healing.

Reading in I Corinthians 9 today – trying to understand Barnabas, but in reading the chapter, read about Paul. Paul was a Leader and held an office in which he understood that people had different views, customs, manners, understandings, but, he also knew this, that as a Leader, he was first a servant. A Servant Leader. We can learn a few things from Paul, [and his companion Barnabas].

#### **IN THE SPIRIT OF PARTNERSHIP AND MUTUAL RESPECT -**

The Truth, Healing, and Reconciliation [of the people, of the relationships, of the State] – is to encourage dialogue on important and sometimes very difficult issues that stand in the way of “Truth, Healing, Reconciliation”. It is to put our minds together, to learn from one another, to respect one another – to appreciate and embrace the differences we all bring to humanity, society, to the State.

***Dorgan, Chairman of the Senate Committee on Indian Affairs, joined Brownback as co-sponsor of the amendment.***

***Dorgan said, “It is difficult to know the history of the First Americans and the destructive policies our government has too often followed regarding them, and not be filled with both sadness and regret. It is appropriate that we, as a nation, express that sorrow and regret with this apology resolution.”***

## **LOOKING FORWARD TO THOSE GENERATIONS COMING AFTER US -**

Together, you will create a Path Forward that engages people in a forum that has clear intentions of creating a future that the generations following will be proud of the work done today.

Today – requires bold courage, fierce focus on the future – the decisions made today are not about us, but about those that were before – to raise their voices and bring forward the issues that are impacting today, and, for those coming after us. The generations following quickly on our heels are looking to us, to you, for hope of a better future. – that they will have a more stable foundation of the truth, our shared histories, and they will have greater understandings of each other.

## **THE CANADIAN GOVERNMENT AND THE FIRST NATIONS & INDIGENOUS PEOPLES**

Let us learn from others. Canada established the Truth & Reconciliation Commission with a clear mandate, timeline, and received the Final Report that contained Calls To Action. The intention of the TRC was to Heal the Nation, Heal the Peoples; to give voice, to provide support; to correct [injustices] – legislation, policy, programs; to document, and to change history.

### **Submit the Truth and Reconciliation Calls to Action.**

This Commission will serve a vital role in guiding and leading. Their work will provide clarity, understanding, and be driven by the human will to bring together understanding, respect, compassion, knowledge, wisdom, insight, and foresight. This is the Time for a Commission of this sort.

Chairman and Members of the Committee, I am asking you for your Vote today, and I am asking you to provide a Vote of Yes, a Vote to Pass this Important Bill.

I will stand for questions. Thank you and God Bless you.



Truth and  
Reconciliation  
Commission of Canada

*Michelle  
2/8/2021*

# Truth and Reconciliation Commission of Canada: Calls to Action



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**2015**

Truth and Reconciliation Commission of Canada, 2012

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# Calls to Action

In order to redress the legacy of residential schools and advance the process of Canadian reconciliation, the Truth and Reconciliation Commission makes the following calls to action.

## Legacy

### CHILD WELFARE

1. We call upon the federal, provincial, territorial, and Aboriginal governments to commit to reducing the number of Aboriginal children in care by:
  - i. Monitoring and assessing neglect investigations.
  - ii. Providing adequate resources to enable Aboriginal communities and child-welfare organizations to keep Aboriginal families together where it is safe to do so, and to keep children in culturally appropriate environments, regardless of where they reside.
  - iii. Ensuring that social workers and others who conduct child-welfare investigations are properly educated and trained about the history and impacts of residential schools.
  - iv. Ensuring that social workers and others who conduct child-welfare investigations are properly educated and trained about the potential for Aboriginal communities and families to provide more appropriate solutions to family healing.
  - v. Requiring that all child-welfare decision makers consider the impact of the residential school experience on children and their caregivers.
2. We call upon the federal government, in collaboration with the provinces and territories, to prepare and publish annual reports on the number of Aboriginal children (First Nations, Inuit, and Métis) who are in care, compared with non-Aboriginal children, as well as the reasons for apprehension, the total spending on preventive and care services by child-welfare agencies, and the effectiveness of various interventions.
3. We call upon all levels of government to fully implement Jordan's Principle.
4. We call upon the federal government to enact Aboriginal child-welfare legislation that establishes national standards for Aboriginal child apprehension and custody cases and includes principles that:
  - i. Affirm the right of Aboriginal governments to establish and maintain their own child-welfare agencies.
  - ii. Require all child-welfare agencies and courts to take the residential school legacy into account in their decision making.
  - iii. Establish, as an important priority, a requirement that placements of Aboriginal children into temporary and permanent care be culturally appropriate.
5. We call upon the federal, provincial, territorial, and Aboriginal governments to develop culturally appropriate parenting programs for Aboriginal families.

### EDUCATION

6. We call upon the Government of Canada to repeal Section 43 of the *Criminal Code of Canada*.
7. We call upon the federal government to develop with Aboriginal groups a joint strategy to eliminate

educational and employment gaps between Aboriginal and non-Aboriginal Canadians.

8. We call upon the federal government to eliminate the discrepancy in federal education funding for First Nations children being educated on reserves and those First Nations children being educated off reserves.
9. We call upon the federal government to prepare and publish annual reports comparing funding for the education of First Nations children on and off reserves, as well as educational and income attainments of Aboriginal peoples in Canada compared with non-Aboriginal people.
10. We call on the federal government to draft new Aboriginal education legislation with the full participation and informed consent of Aboriginal peoples. The new legislation would include a commitment to sufficient funding and would incorporate the following principles:
  - i. Providing sufficient funding to close identified educational achievement gaps within one generation.
  - ii. Improving education attainment levels and success rates.
  - iii. Developing culturally appropriate curricula.
  - iv. Protecting the right to Aboriginal languages, including the teaching of Aboriginal languages as credit courses.
  - v. Enabling parental and community responsibility, control, and accountability, similar to what parents enjoy in public school systems.
  - vi. Enabling parents to fully participate in the education of their children.
  - vii. Respecting and honouring Treaty relationships.
11. We call upon the federal government to provide adequate funding to end the backlog of First Nations students seeking a post-secondary education.
12. We call upon the federal, provincial, territorial, and Aboriginal governments to develop culturally appropriate early childhood education programs for Aboriginal families.

#### **LANGUAGE AND CULTURE**

13. We call upon the federal government to acknowledge that Aboriginal rights include Aboriginal language rights.

14. We call upon the federal government to enact an Aboriginal Languages Act that incorporates the following principles:
  - i. Aboriginal languages are a fundamental and valued element of Canadian culture and society, and there is an urgency to preserve them.
  - ii. Aboriginal language rights are reinforced by the Treaties.
  - iii. The federal government has a responsibility to provide sufficient funds for Aboriginal-language revitalization and preservation.
  - iv. The preservation, revitalization, and strengthening of Aboriginal languages and cultures are best managed by Aboriginal people and communities.
  - v. Funding for Aboriginal language initiatives must reflect the diversity of Aboriginal languages.
15. We call upon the federal government to appoint, in consultation with Aboriginal groups, an Aboriginal Languages Commissioner. The commissioner should help promote Aboriginal languages and report on the adequacy of federal funding of Aboriginal-languages initiatives.
16. We call upon post-secondary institutions to create university and college degree and diploma programs in Aboriginal languages.
17. We call upon all levels of government to enable residential school Survivors and their families to reclaim names changed by the residential school system by waiving administrative costs for a period of five years for the name-change process and the revision of official identity documents, such as birth certificates, passports, driver's licenses, health cards, status cards, and social insurance numbers.

#### **HEALTH**

18. We call upon the federal, provincial, territorial, and Aboriginal governments to acknowledge that the current state of Aboriginal health in Canada is a direct result of previous Canadian government policies, including residential schools, and to recognize and implement the health-care rights of Aboriginal people as identified in international law, constitutional law, and under the Treaties.
19. We call upon the federal government, in consultation with Aboriginal peoples, to establish measurable goals to identify and close the gaps in health outcomes

between Aboriginal and non-Aboriginal communities, and to publish annual progress reports and assess long-term trends. Such efforts would focus on indicators such as: infant mortality, maternal health, suicide, mental health, addictions, life expectancy, birth rates, infant and child health issues, chronic diseases, illness and injury incidence, and the availability of appropriate health services.

20. In order to address the jurisdictional disputes concerning Aboriginal people who do not reside on reserves, we call upon the federal government to recognize, respect, and address the distinct health needs of the Métis, Inuit, and off-reserve Aboriginal peoples.
21. We call upon the federal government to provide sustainable funding for existing and new Aboriginal healing centres to address the physical, mental, emotional, and spiritual harms caused by residential schools, and to ensure that the funding of healing centres in Nunavut and the Northwest Territories is a priority.
22. We call upon those who can effect change within the Canadian health-care system to recognize the value of Aboriginal healing practices and use them in the treatment of Aboriginal patients in collaboration with Aboriginal healers and Elders where requested by Aboriginal patients.
23. We call upon all levels of government to:
  - i. Increase the number of Aboriginal professionals working in the health-care field.
  - ii. Ensure the retention of Aboriginal health-care providers in Aboriginal communities.
  - iii. Provide cultural competency training for all health-care professionals.
24. We call upon medical and nursing schools in Canada to require all students to take a course dealing with Aboriginal health issues, including the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, and Indigenous teachings and practices. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.

## JUSTICE

25. We call upon the federal government to establish a written policy that reaffirms the independence of the

Royal Canadian Mounted Police to investigate crimes in which the government has its own interest as a potential or real party in civil litigation.

26. We call upon the federal, provincial, and territorial governments to review and amend their respective statutes of limitations to ensure that they conform to the principle that governments and other entities cannot rely on limitation defences to defend legal actions of historical abuse brought by Aboriginal people.
27. We call upon the Federation of Law Societies of Canada to ensure that lawyers receive appropriate cultural competency training, which includes the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.
28. We call upon law schools in Canada to require all law students to take a course in Aboriginal people and the law, which includes the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.
29. We call upon the parties and, in particular, the federal government, to work collaboratively with plaintiffs not included in the Indian Residential Schools Settlement Agreement to have disputed legal issues determined expeditiously on an agreed set of facts.
30. We call upon federal, provincial, and territorial governments to commit to eliminating the overrepresentation of Aboriginal people in custody over the next decade, and to issue detailed annual reports that monitor and evaluate progress in doing so.
31. We call upon the federal, provincial, and territorial governments to provide sufficient and stable funding to implement and evaluate community sanctions that will provide realistic alternatives to imprisonment for Aboriginal offenders and respond to the underlying causes of offending.
32. We call upon the federal government to amend the Criminal Code to allow trial judges, upon giving reasons, to depart from mandatory minimum sentences and restrictions on the use of conditional sentences.

33. We call upon the federal, provincial, and territorial governments to recognize as a high priority the need to address and prevent Fetal Alcohol Spectrum Disorder (FASD), and to develop, in collaboration with Aboriginal people, FASD preventive programs that can be delivered in a culturally appropriate manner.
34. We call upon the governments of Canada, the provinces, and territories to undertake reforms to the criminal justice system to better address the needs of offenders with Fetal Alcohol Spectrum Disorder (FASD), including:
  - i. Providing increased community resources and powers for courts to ensure that FASD is properly diagnosed, and that appropriate community supports are in place for those with FASD.
  - ii. Enacting statutory exemptions from mandatory minimum sentences of imprisonment for offenders affected by FASD.
  - iii. Providing community, correctional, and parole resources to maximize the ability of people with FASD to live in the community.
  - iv. Adopting appropriate evaluation mechanisms to measure the effectiveness of such programs and ensure community safety.
35. We call upon the federal government to eliminate barriers to the creation of additional Aboriginal healing lodges within the federal correctional system.
36. We call upon the federal, provincial, and territorial governments to work with Aboriginal communities to provide culturally relevant services to inmates on issues such as substance abuse, family and domestic violence, and overcoming the experience of having been sexually abused.
37. We call upon the federal government to provide more supports for Aboriginal programming in halfway houses and parole services.
38. We call upon the federal, provincial, territorial, and Aboriginal governments to commit to eliminating the overrepresentation of Aboriginal youth in custody over the next decade.
39. We call upon the federal government to develop a national plan to collect and publish data on the criminal victimization of Aboriginal people, including data related to homicide and family violence victimization.
40. We call on all levels of government, in collaboration with Aboriginal people, to create adequately funded and accessible Aboriginal-specific victim programs and services with appropriate evaluation mechanisms.
41. We call upon the federal government, in consultation with Aboriginal organizations, to appoint a public inquiry into the causes of, and remedies for, the disproportionate victimization of Aboriginal women and girls. The inquiry's mandate would include:
  - i. Investigation into missing and murdered Aboriginal women and girls.
  - ii. Links to the intergenerational legacy of residential schools.
42. We call upon the federal, provincial, and territorial governments to commit to the recognition and implementation of Aboriginal justice systems in a manner consistent with the Treaty and Aboriginal rights of Aboriginal peoples, the *Constitution Act, 1982*, and the *United Nations Declaration on the Rights of Indigenous Peoples*, endorsed by Canada in November 2012.

## Reconciliation

### **CANADIAN GOVERNMENTS AND THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLE**

43. We call upon federal, provincial, territorial, and municipal governments to fully adopt and implement the *United Nations Declaration on the Rights of Indigenous Peoples* as the framework for reconciliation.
44. We call upon the Government of Canada to develop a national action plan, strategies, and other concrete measures to achieve the goals of the *United Nations Declaration on the Rights of Indigenous Peoples*.

### **ROYAL PROCLAMATION AND COVENANT OF RECONCILIATION**

45. We call upon the Government of Canada, on behalf of all Canadians, to jointly develop with Aboriginal peoples a Royal Proclamation of Reconciliation to be issued by the Crown. The proclamation would build on the Royal Proclamation of 1763 and the Treaty of Niagara of 1764, and reaffirm the nation-to-nation relationship between Aboriginal peoples and the Crown. The proclamation would include, but not be limited to, the following commitments:

- i. Repudiate concepts used to justify European sovereignty over Indigenous lands and peoples such as the Doctrine of Discovery and *terra nullius*.
  - ii. Adopt and implement the *United Nations Declaration on the Rights of Indigenous Peoples* as the framework for reconciliation.
  - iii. Renew or establish Treaty relationships based on principles of mutual recognition, mutual respect, and shared responsibility for maintaining those relationships into the future.
  - iv. Reconcile Aboriginal and Crown constitutional and legal orders to ensure that Aboriginal peoples are full partners in Confederation, including the recognition and integration of Indigenous laws and legal traditions in negotiation and implementation processes involving Treaties, land claims, and other constructive agreements.
46. We call upon the parties to the Indian Residential Schools Settlement Agreement to develop and sign a Covenant of Reconciliation that would identify principles for working collaboratively to advance reconciliation in Canadian society, and that would include, but not be limited to:
- i. Reaffirmation of the parties' commitment to reconciliation.
  - ii. Repudiation of concepts used to justify European sovereignty over Indigenous lands and peoples, such as the Doctrine of Discovery and *terra nullius*, and the reformation of laws, governance structures, and policies within their respective institutions that continue to rely on such concepts.
  - iii. Full adoption and implementation of the *United Nations Declaration on the Rights of Indigenous Peoples* as the framework for reconciliation.
  - iv. Support for the renewal or establishment of Treaty relationships based on principles of mutual recognition, mutual respect, and shared responsibility for maintaining those relationships into the future.
  - v. Enabling those excluded from the Settlement Agreement to sign onto the Covenant of Reconciliation.
  - vi. Enabling additional parties to sign onto the Covenant of Reconciliation.

47. We call upon federal, provincial, territorial, and municipal governments to repudiate concepts used to justify European sovereignty over Indigenous peoples and lands, such as the Doctrine of Discovery and *terra nullius*, and to reform those laws, government policies, and litigation strategies that continue to rely on such concepts.

**SETTLEMENT AGREEMENT PARTIES AND THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES**

48. We call upon the church parties to the Settlement Agreement, and all other faith groups and interfaith social justice groups in Canada who have not already done so, to formally adopt and comply with the principles, norms, and standards of the *United Nations Declaration on the Rights of Indigenous Peoples* as a framework for reconciliation. This would include, but not be limited to, the following commitments:

- i. Ensuring that their institutions, policies, programs, and practices comply with the *United Nations Declaration on the Rights of Indigenous Peoples*.
  - ii. Respecting Indigenous peoples' right to self-determination in spiritual matters, including the right to practise, develop, and teach their own spiritual and religious traditions, customs, and ceremonies, consistent with Article 12:1 of the *United Nations Declaration on the Rights of Indigenous Peoples*.
  - iii. Engaging in ongoing public dialogue and actions to support the *United Nations Declaration on the Rights of Indigenous Peoples*.
  - iv. Issuing a statement no later than March 31, 2016, from all religious denominations and faith groups, as to how they will implement the *United Nations Declaration on the Rights of Indigenous Peoples*.
49. We call upon all religious denominations and faith groups who have not already done so to repudiate concepts used to justify European sovereignty over Indigenous lands and peoples, such as the Doctrine of Discovery and *terra nullius*.

**EQUITY FOR ABORIGINAL PEOPLE IN THE LEGAL SYSTEM**

50. In keeping with the *United Nations Declaration on the Rights of Indigenous Peoples*, we call upon the federal government, in collaboration with Aboriginal organizations, to fund the establishment of Indigenous law institutes for the development, use, and

understanding of Indigenous laws and access to justice in accordance with the unique cultures of Aboriginal peoples in Canada.

51. We call upon the Government of Canada, as an obligation of its fiduciary responsibility, to develop a policy of transparency by publishing legal opinions it develops and upon which it acts or intends to act, in regard to the scope and extent of Aboriginal and Treaty rights.
52. We call upon the Government of Canada, provincial and territorial governments, and the courts to adopt the following legal principles:
  - i. Aboriginal title claims are accepted once the Aboriginal claimant has established occupation over a particular territory at a particular point in time.
  - ii. Once Aboriginal title has been established, the burden of proving any limitation on any rights arising from the existence of that title shifts to the party asserting such a limitation.

#### **NATIONAL COUNCIL FOR RECONCILIATION**

53. We call upon the Parliament of Canada, in consultation and collaboration with Aboriginal peoples, to enact legislation to establish a National Council for Reconciliation. The legislation would establish the council as an independent, national, oversight body with membership jointly appointed by the Government of Canada and national Aboriginal organizations, and consisting of Aboriginal and non-Aboriginal members. Its mandate would include, but not be limited to, the following:
  - i. Monitor, evaluate, and report annually to Parliament and the people of Canada on the Government of Canada's post-apology progress on reconciliation to ensure that government accountability for reconciling the relationship between Aboriginal peoples and the Crown is maintained in the coming years.
  - ii. Monitor, evaluate, and report to Parliament and the people of Canada on reconciliation progress across all levels and sectors of Canadian society, including the implementation of the Truth and Reconciliation Commission of Canada's Calls to Action.
  - iii. Develop and implement a multi-year National Action Plan for Reconciliation, which includes research and policy development, public education programs, and resources.
  - iv. Promote public dialogue, public/private partnerships, and public initiatives for reconciliation.
54. We call upon the Government of Canada to provide multi-year funding for the National Council for Reconciliation to ensure that it has the financial, human, and technical resources required to conduct its work, including the endowment of a National Reconciliation Trust to advance the cause of reconciliation.
55. We call upon all levels of government to provide annual reports or any current data requested by the National Council for Reconciliation so that it can report on the progress towards reconciliation. The reports or data would include, but not be limited to:
  - i. The number of Aboriginal children—including Métis and Inuit children—in care, compared with non-Aboriginal children, the reasons for apprehension, and the total spending on preventive and care services by child-welfare agencies.
  - ii. Comparative funding for the education of First Nations children on and off reserves.
  - iii. The educational and income attainments of Aboriginal peoples in Canada compared with non-Aboriginal people.
  - iv. Progress on closing the gaps between Aboriginal and non-Aboriginal communities in a number of health indicators such as: infant mortality, maternal health, suicide, mental health, addictions, life expectancy, birth rates, infant and child health issues, chronic diseases, illness and injury incidence, and the availability of appropriate health services.
  - v. Progress on eliminating the overrepresentation of Aboriginal children in youth custody over the next decade.
  - vi. Progress on reducing the rate of criminal victimization of Aboriginal people, including data related to homicide and family violence victimization and other crimes.
  - vii. Progress on reducing the overrepresentation of Aboriginal people in the justice and correctional systems.
56. We call upon the prime minister of Canada to formally respond to the report of the National Council for Reconciliation by issuing an annual "State of Aboriginal Peoples" report, which would outline the government's plans for advancing the cause of reconciliation.

## PROFESSIONAL DEVELOPMENT AND TRAINING FOR PUBLIC SERVANTS

57. We call upon federal, provincial, territorial, and municipal governments to provide education to public servants on the history of Aboriginal peoples, including the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.

## CHURCH APOLOGIES AND RECONCILIATION

58. We call upon the Pope to issue an apology to Survivors, their families, and communities for the Roman Catholic Church's role in the spiritual, cultural, emotional, physical, and sexual abuse of First Nations, Inuit, and Métis children in Catholic-run residential schools. We call for that apology to be similar to the 2010 apology issued to Irish victims of abuse and to occur within one year of the issuing of this Report and to be delivered by the Pope in Canada.
59. We call upon church parties to the Settlement Agreement to develop ongoing education strategies to ensure that their respective congregations learn about their church's role in colonization, the history and legacy of residential schools, and why apologies to former residential school students, their families, and communities were necessary.
60. We call upon leaders of the church parties to the Settlement Agreement and all other faiths, in collaboration with Indigenous spiritual leaders, Survivors, schools of theology, seminaries, and other religious training centres, to develop and teach curriculum for all student clergy, and all clergy and staff who work in Aboriginal communities, on the need to respect Indigenous spirituality in its own right, the history and legacy of residential schools and the roles of the church parties in that system, the history and legacy of religious conflict in Aboriginal families and communities, and the responsibility that churches have to mitigate such conflicts and prevent spiritual violence.
61. We call upon church parties to the Settlement Agreement, in collaboration with Survivors and representatives of Aboriginal organizations, to establish permanent funding to Aboriginal people for:
- i. Community-controlled healing and reconciliation projects.

- ii. Community-controlled culture- and language-revitalization projects.
- iii. Community-controlled education and relationship-building projects.
- iv. Regional dialogues for Indigenous spiritual leaders and youth to discuss Indigenous spirituality, self-determination, and reconciliation.

## EDUCATION FOR RECONCILIATION

62. We call upon the federal, provincial, and territorial governments, in consultation and collaboration with Survivors, Aboriginal peoples, and educators, to:
- i. Make age-appropriate curriculum on residential schools, Treaties, and Aboriginal peoples' historical and contemporary contributions to Canada a mandatory education requirement for Kindergarten to Grade Twelve students.
  - ii. Provide the necessary funding to post-secondary institutions to educate teachers on how to integrate Indigenous knowledge and teaching methods into classrooms.
  - iii. Provide the necessary funding to Aboriginal schools to utilize Indigenous knowledge and teaching methods in classrooms.
  - iv. Establish senior-level positions in government at the assistant deputy minister level or higher dedicated to Aboriginal content in education.
63. We call upon the Council of Ministers of Education, Canada to maintain an annual commitment to Aboriginal education issues, including:
- i. Developing and implementing Kindergarten to Grade Twelve curriculum and learning resources on Aboriginal peoples in Canadian history, and the history and legacy of residential schools.
  - ii. Sharing information and best practices on teaching curriculum related to residential schools and Aboriginal history.
  - iii. Building student capacity for intercultural understanding, empathy, and mutual respect.
  - iv. Identifying teacher-training needs relating to the above.
64. We call upon all levels of government that provide public funds to denominational schools to require such schools to provide an education on comparative religious studies, which must include a segment on

Aboriginal spiritual beliefs and practices developed in collaboration with Aboriginal Elders.

65. We call upon the federal government, through the Social Sciences and Humanities Research Council, and in collaboration with Aboriginal peoples, post-secondary institutions and educators, and the National Centre for Truth and Reconciliation and its partner institutions, to establish a national research program with multi-year funding to advance understanding of reconciliation.

#### **YOUTH PROGRAMS**

66. We call upon the federal government to establish multi-year funding for community-based youth organizations to deliver programs on reconciliation, and establish a national network to share information and best practices.

#### **MUSEUMS AND ARCHIVES**

67. We call upon the federal government to provide funding to the Canadian Museums Association to undertake, in collaboration with Aboriginal peoples, a national review of museum policies and best practices to determine the level of compliance with the *United Nations Declaration on the Rights of Indigenous Peoples* and to make recommendations.
68. We call upon the federal government, in collaboration with Aboriginal peoples, and the Canadian Museums Association to mark the 150th anniversary of Canadian Confederation in 2017 by establishing a dedicated national funding program for commemoration projects on the theme of reconciliation.
69. We call upon Library and Archives Canada to:
- i. Fully adopt and implement the *United Nations Declaration on the Rights of Indigenous Peoples* and the *United Nations Joint-Orentlicher Principles*, as related to Aboriginal peoples' inalienable right to know the truth about what happened and why, with regard to human rights violations committed against them in the residential schools.
  - ii. Ensure that its record holdings related to residential schools are accessible to the public.
  - iii. Commit more resources to its public education materials and programming on residential schools.
70. We call upon the federal government to provide funding to the Canadian Association of Archivists to undertake, in collaboration with Aboriginal peoples, a national review of archival policies and best practices to:

- i. Determine the level of compliance with the *United Nations Declaration on the Rights of Indigenous Peoples* and the *United Nations Joint-Orentlicher Principles*, as related to Aboriginal peoples' inalienable right to know the truth about what happened and why, with regard to human rights violations committed against them in the residential schools.
- ii. Produce a report with recommendations for full implementation of these international mechanisms as a reconciliation framework for Canadian archives.

#### **MISSING CHILDREN AND BURIAL INFORMATION**

71. We call upon all chief coroners and provincial vital statistics agencies that have not provided to the Truth and Reconciliation Commission of Canada their records on the deaths of Aboriginal children in the care of residential school authorities to make these documents available to the National Centre for Truth and Reconciliation.
72. We call upon the federal government to allocate sufficient resources to the National Centre for Truth and Reconciliation to allow it to develop and maintain the National Residential School Student Death Register established by the Truth and Reconciliation Commission of Canada.
73. We call upon the federal government to work with churches, Aboriginal communities, and former residential school students to establish and maintain an online registry of residential school cemeteries, including, where possible, plot maps showing the location of deceased residential school children.
74. We call upon the federal government to work with the churches and Aboriginal community leaders to inform the families of children who died at residential schools of the child's burial location, and to respond to families' wishes for appropriate commemoration ceremonies and markers, and reburial in home communities where requested.
75. We call upon the federal government to work with provincial, territorial, and municipal governments, churches, Aboriginal communities, former residential school students, and current landowners to develop and implement strategies and procedures for the ongoing identification, documentation, maintenance, commemoration, and protection of residential school cemeteries or other sites at which residential school children were buried. This is to include the provision of

appropriate memorial ceremonies and commemorative markers to honour the deceased children.

76. We call upon the parties engaged in the work of documenting, maintaining, commemorating, and protecting residential school cemeteries to adopt strategies in accordance with the following principles:
- i. The Aboriginal community most affected shall lead the development of such strategies.
  - ii. Information shall be sought from residential school Survivors and other Knowledge Keepers in the development of such strategies.
  - iii. Aboriginal protocols shall be respected before any potentially invasive technical inspection and investigation of a cemetery site.

#### **NATIONAL CENTRE FOR TRUTH AND RECONCILIATION**

77. We call upon provincial, territorial, municipal, and community archives to work collaboratively with the National Centre for Truth and Reconciliation to identify and collect copies of all records relevant to the history and legacy of the residential school system, and to provide these to the National Centre for Truth and Reconciliation.
78. We call upon the Government of Canada to commit to making a funding contribution of \$10 million over seven years to the National Centre for Truth and Reconciliation, plus an additional amount to assist communities to research and produce histories of their own residential school experience and their involvement in truth, healing, and reconciliation.

#### **COMMEMORATION**

79. We call upon the federal government, in collaboration with Survivors, Aboriginal organizations, and the arts community, to develop a reconciliation framework for Canadian heritage and commemoration. This would include, but not be limited to:
- i. Amending the Historic Sites and Monuments Act to include First Nations, Inuit, and Métis representation on the Historic Sites and Monuments Board of Canada and its Secretariat.
  - ii. Revising the policies, criteria, and practices of the National Program of Historical Commemoration to integrate Indigenous history, heritage values, and memory practices into Canada's national heritage and history.

- iii. Developing and implementing a national heritage plan and strategy for commemorating residential school sites, the history and legacy of residential schools, and the contributions of Aboriginal peoples to Canada's history.

80. We call upon the federal government, in collaboration with Aboriginal peoples, to establish, as a statutory holiday, a National Day for Truth and Reconciliation to honour Survivors, their families, and communities, and ensure that public commemoration of the history and legacy of residential schools remains a vital component of the reconciliation process.
81. We call upon the federal government, in collaboration with Survivors and their organizations, and other parties to the Settlement Agreement, to commission and install a publicly accessible, highly visible, Residential Schools National Monument in the city of Ottawa to honour Survivors and all the children who were lost to their families and communities.
82. We call upon provincial and territorial governments, in collaboration with Survivors and their organizations, and other parties to the Settlement Agreement, to commission and install a publicly accessible, highly visible, Residential Schools Monument in each capital city to honour Survivors and all the children who were lost to their families and communities.
83. We call upon the Canada Council for the Arts to establish, as a funding priority, a strategy for Indigenous and non-Indigenous artists to undertake collaborative projects and produce works that contribute to the reconciliation process.

#### **MEDIA AND RECONCILIATION**

84. We call upon the federal government to restore and increase funding to the CBC/Radio-Canada, to enable Canada's national public broadcaster to support reconciliation, and be properly reflective of the diverse cultures, languages, and perspectives of Aboriginal peoples, including, but not limited to:
- i. Increasing Aboriginal programming, including Aboriginal-language speakers.
  - ii. Increasing equitable access for Aboriginal peoples to jobs, leadership positions, and professional development opportunities within the organization.
  - iii. Continuing to provide dedicated news coverage and online public information resources on issues of concern to Aboriginal peoples and all Canadians,

including the history and legacy of residential schools and the reconciliation process.

85. We call upon the Aboriginal Peoples Television Network, as an independent non-profit broadcaster with programming by, for, and about Aboriginal peoples, to support reconciliation, including but not limited to:
- i. Continuing to provide leadership in programming and organizational culture that reflects the diverse cultures, languages, and perspectives of Aboriginal peoples.
  - ii. Continuing to develop media initiatives that inform and educate the Canadian public, and connect Aboriginal and non-Aboriginal Canadians.
86. We call upon Canadian journalism programs and media schools to require education for all students on the history of Aboriginal peoples, including the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations.

#### **SPORTS AND RECONCILIATION**

87. We call upon all levels of government, in collaboration with Aboriginal peoples, sports halls of fame, and other relevant organizations, to provide public education that tells the national story of Aboriginal athletes in history.
88. We call upon all levels of government to take action to ensure long-term Aboriginal athlete development and growth, and continued support for the North American Indigenous Games, including funding to host the games and for provincial and territorial team preparation and travel.
89. We call upon the federal government to amend the Physical Activity and Sport Act to support reconciliation by ensuring that policies to promote physical activity as a fundamental element of health and well-being, reduce barriers to sports participation, increase the pursuit of excellence in sport, and build capacity in the Canadian sport system, are inclusive of Aboriginal peoples.
90. We call upon the federal government to ensure that national sports policies, programs, and initiatives are inclusive of Aboriginal peoples, including, but not limited to, establishing:
- i. In collaboration with provincial and territorial governments, stable funding for, and access to, community sports programs that reflect the diverse

cultures and traditional sporting activities of Aboriginal peoples.

- ii. An elite athlete development program for Aboriginal athletes.
  - iii. Programs for coaches, trainers, and sports officials that are culturally relevant for Aboriginal peoples.
  - iv. Anti-racism awareness and training programs.
91. We call upon the officials and host countries of international sporting events such as the Olympics, Pan Am, and Commonwealth games to ensure that Indigenous peoples' territorial protocols are respected, and local Indigenous communities are engaged in all aspects of planning and participating in such events.

#### **BUSINESS AND RECONCILIATION**

92. We call upon the corporate sector in Canada to adopt the *United Nations Declaration on the Rights of Indigenous Peoples* as a reconciliation framework and to apply its principles, norms, and standards to corporate policy and core operational activities involving Indigenous peoples and their lands and resources. This would include, but not be limited to, the following:
- i. Commit to meaningful consultation, building respectful relationships, and obtaining the free, prior, and informed consent of Indigenous peoples before proceeding with economic development projects.
  - ii. Ensure that Aboriginal peoples have equitable access to jobs, training, and education opportunities in the corporate sector, and that Aboriginal communities gain long-term sustainable benefits from economic development projects.
  - iii. Provide education for management and staff on the history of Aboriginal peoples, including the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations. This will require skills based training in intercultural competency, conflict resolution, human rights, and anti-racism.

#### **NEWCOMERS TO CANADA**

93. We call upon the federal government, in collaboration with the national Aboriginal organizations, to revise the information kit for newcomers to Canada and its citizenship test to reflect a more inclusive history of the diverse Aboriginal peoples of Canada, including

## Truth and Reconciliation Commission of Canada

1500-360 Main Street

Winnipeg, Manitoba

R3C 3Z3

Telephone: (204) 984-5885

Toll Free: 1-888-872-5554 (1-888-TRC-5554)

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E-mail: [info@trc.ca](mailto:info@trc.ca)

Website: [www.trc.ca](http://www.trc.ca)

*Handwritten signature and date:*  
2/8/2021

111TH CONGRESS  
1ST SESSION

# S. J. RES. 14

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

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## IN THE SENATE OF THE UNITED STATES

APRIL 30, 2009

Mr. BROWNBACK (for himself, Mr. INOUE, Mr. BAUCUS, Mrs. BOXER, Mr. CRAPO, Ms. CANTWELL, Mr. COBURN, Mr. HARKIN, Mr. LIEBERMAN, and Mr. TESTER) introduced the following joint resolution; which was read twice and referred to the Committee on Indian Affairs

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## JOINT RESOLUTION

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

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

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

Whereas Native Peoples are spiritual people with a deep and abiding belief in the Creator, and for millennia Native

- Peoples have maintained a powerful spiritual connection to this land, as evidenced by their customs and legends;
- Whereas the arrival of Europeans in North America opened a new chapter in the history of Native Peoples;
- Whereas while establishment of permanent European settlements in North America did stir conflict with nearby Indian tribes, peaceful and mutually beneficial interactions also took place;
- Whereas the foundational English settlements in Jamestown, Virginia, and Plymouth, Massachusetts, owed their survival in large measure to the compassion and aid of Native Peoples in the vicinities of the settlements;
- Whereas in the infancy of the United States, the founders of the Republic expressed their desire for a just relationship with the Indian tribes, as evidenced by the Northwest Ordinance enacted by Congress in 1787, which begins with the phrase, “The utmost good faith shall always be observed toward the Indians”;
- Whereas Indian tribes provided great assistance to the fledgling Republic as it strengthened and grew, including invaluable help to Meriwether Lewis and William Clark on their epic journey from St. Louis, Missouri, to the Pacific Coast;
- Whereas Native Peoples and non-Native settlers engaged in numerous armed conflicts in which unfortunately, both took innocent lives, including those of women and children;
- Whereas the Federal Government violated many of the treaties ratified by Congress and other diplomatic agreements with Indian tribes;

Whereas the United States forced Indian tribes and their citizens to move away from their traditional homelands and onto federally established and controlled reservations, in accordance with such Acts as the Act of May 28, 1830 (4 Stat. 411, chapter 148) (commonly known as the “Indian Removal Act”);

Whereas many Native Peoples suffered and perished—

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

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

(3) on numerous Indian reservations;

Whereas the Federal Government condemned the traditions, beliefs, and customs of Native Peoples and endeavored to assimilate them by such policies as the redistribution of land under the Act of February 8, 1887 (25 U.S.C. 331; 24 Stat. 388, chapter 119) (commonly known as the “General Allotment Act”), and the forcible removal of Native children from their families to faraway boarding schools where their Native practices and languages were degraded and forbidden;

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

Whereas the policies of the Federal Government toward Indian tribes and the breaking of covenants with Indian tribes have contributed to the severe social ills and economic troubles in many Native communities today;

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

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

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

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

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

1 *Resolved by the Senate and House of Representatives*

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

3 **SECTION 1. RESOLUTION OF APOLOGY TO NATIVE PEOPLES OF THE UNITED STATES.**

4 **PLES OF THE UNITED STATES.**

5 (a) **ACKNOWLEDGMENT AND APOLOGY.**—The United

6 States, acting through Congress—

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

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

7           (3) recognizes that there have been years of of-  
8           ficial depredations, ill-conceived policies, and the  
9           breaking of covenants by the Federal Government  
10          regarding Indian tribes;

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

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

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

1 the history of the United States in order to bring  
2 healing to this land; and

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

9 (b) DISCLAIMER.—Nothing in this Joint Resolu-  
10 tion—

11 (1) authorizes or supports any claim against  
12 the United States; or

13 (2) serves as a settlement of any claim against  
14 the United States.

○



## North Dakota House of Representatives

State Capitol  
600 East Boulevard Avenue  
Bismarck, ND 58505-0360

Representative  
Ruth Buffalo  
District 27  
P.O. Box 9763  
Fargo, ND 58106-9763

rbuffalo@nd.gov

Committees:  
Agriculture  
Judiciary

February 8, 2021

Chairman Weis and House Human Services Committee,

My name is Ruth Buffalo and I represent District 27 in south Fargo. HB 1488 will provide a comprehensive approach to address the root causes of symptoms many communities across North Dakota continue to face today. Native Americans have an overwhelming amount of health disparities such as premature death, high rates of addiction, cancer, diabetes, heart disease, incarceration, and suicide.

This bill will provide a mechanism for communities to share their story in a brave space in the hope of contributing to solutions for future generations. Partnerships with culturally relevant trauma informed practitioners and local tribal colleges will ensure a local support system to assist communities as they navigate through the Truth, Healing and Reconciliation process. The recording of community members stories will be digitally archived and protected in partnership with local tribal colleges.

According to the Truth Seeking: Elements of Creating an Effecting Truth Commission report, Why Does the Truth Matter?

“Establishing the truth about what happened and who is responsible for serious crimes helps communities to understand the causes of past abuse and end it. Without accurate knowledge of past violations, it is difficult for a society to prevent them from happening again. The truth can assist in the healing process after traumatic events; restore personal dignity, often after years of stigmatization; and safeguard against impunity and public denial. Establishing truth can initiate a process of reconciliation, as denial and silence can increase mistrust and social polarization. A political order based on transparency and accountability is more likely to enjoy the trust and confidence of residents and citizens.” (2013 Amnesty Commission of the Ministry of Justice of Brazil)

“A Truth and Reconciliation Commission shall be established to address impunity, break the cycle of violence, provide a forum for both the victims and perpetrators of human rights violations to tell their story, get a clear picture of the past in order to facilitate genuine healing and reconciliation.” Peace Agreement between the Government of Sierra Leone and the Revolutionary United Front, Article VI (2), 1999

This bill will foster truth, healing and reconciliation for past, present and future generations. Please give HB 1488 a do pass recommendation.

I will stand for any questions.

21.0872.06001  
Title.

Prepared by the Legislative Council staff for  
Representative Buffalo  
February 8, 2021

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1488

Page 1, line 15, remove "Hire a director to coordinate testimony, recordings of testimony, and meetings of"

Page 1, remove line 16

Page 1, line 17, remove "b."

Page 1, line 19, replace "c." with "b."

Page 2, line 1, replace "d." with "c."

Page 2, line 3, replace "e." with "d."

Page 2, line 6, replace "f." with "e."

Page 2, line 11, replace "g." with "f."

Page 2, line 15, replace "h." with "g."

Renumber accordingly

Testimony of Sandy White Hawk – in support of HB 1488

February 8, 2021

Greetings friends and relatives,

My name is Sandy White Hawk. I am enrolled member of the Rosebud Sioux Tribe. I am the founder and Director of First Nations Repatriation Institute and am also the Elder in Residence at the Indian Child Welfare Law Center in Minneapolis, MN.

I am in support HB-1488, the development of a Truth Commission as a mechanism to gather the lived experiences of the citizens of the North Dakota tribes. These lived experiences will provide needed information on how the Child Welfare System and other systems have not been helpful to tribal citizens. A gathering of lived experiences is not a time of bashing or blaming but a time of revealing and recording a lived experience that may not be known. A Truth Commission can provide a way to establish relationships, enhance existing relationships to work together to improve systems that will ultimately benefit everyone.

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NORTH  
**Dakota** | Labor and Human Rights  
Be Legendary.™

Neutral Testimony for House Bill 1448

Erica Thunder

Commissioner, North Dakota Department of Labor and Human Rights

House Human Services Committee

02/08/2021

Dear Chairman and member of the Human Services Committee,

For the record my name is Erica Thunder and I serve as Commissioner for the North Dakota Department of Labor and Human Rights. I am testifying neutrally today for HB 1448, as it is written under Title 14 of North Dakota Century Code, encompassing the North Dakota Human Rights Act.

I support the very nature of this Bill and its intent, and am only testifying “neutrally” in order to stand for questions on the framework of this Bill.

Thank you, and again, I will stand for any questions.

Thank you,

*Erica Thunder*

Erica Thunder, JD

Commissioner

North Dakota Department of Labor and Human Rights

# House Human Services Committee

## House Bill 1488

Andrew Alexis Varvel

February 8, 2021

*[Bilingual testimony in Lakota and English begins]*

Itǎ́hǎ́nčhaŋ Weisz na Kǎ́hamíte Óyapǎ́hapi:

Andrew Alexis Varvel emá́čiyapelo. Tǎ́spáŋ Ožú-yata waúŋ.

Chairman Weisz and Members of the Committee:

My name is Andrew Alexis Varvel. I live in Bismarck.

Šakówiŋkiya ilúthapo. Wáŋčala luksápo.

Measure seven times. Cut once.

Toháŋ waníyetu mašákpe, iná opǎ́hétǎ́hŋ ognáke. “Aǎ́ÚYAPI ĞÍǎ́LA Tǎ́ÓGNAKE” tǎ́chǎ́že. Iná kuŋkúnja gnáke. “Aǎ́ÚYAPI ĞÍǎ́LA Tǎ́ÓGNAKE” tǎ́chǎ́že čhaŋkhé hepǎ́hé “lé aǎ́yapi ğíǎ́la tǎ́ógnake” epǎ́hé ló. Iná kuŋkúnja gnáke čhaŋkhé heyé “lé kuŋkúnja tǎ́ógnake” eyé ló.

When I was six years old, my mother bought a jar. It was labeled “COOKIE JAR”. My mother stored pickles in it. I said, “This is a cookie jar,” because it was labeled “COOKIE JAR”. My mother said, “This is a pickle jar,” because she stored pickles in it.

Wóawačhiŋ tǎ́khǎ́mite lé ognáke hé sékse. Uŋnáš ognáke aǎ́yapi ğíǎ́la úŋ kte. Uŋnáš ognáke kuŋkúnja úŋ kte.

This proposed commission is like that jar. Maybe it will hold cookies. Maybe it will hold pickles.

Wówičakǎ́he tǎ́khǎ́mite owé tǎ́oktǎ́ókeča mánipi. Eyá owóthǎ́ŋja. Eyá owóthǎ́ŋja šni. Eyá očík'ayela waŋyáŋkapi. Eyá othǎ́ŋkaya waŋyáŋkapi. Takúku inyáŋkapi éslol'unyapi kta héčha.

Truth commissions come in many varieties. Some are straight. Some are crooked. Some have a narrow scope. Some have a broad scope. We should learn what works.

**This jar is a pickle jar  
when it holds pickles.**



Wóawačhiŋ lé uŋkáyutapi tkéya. Uŋhíyaglepi kiŋháŋ, káǵapi kta iyéčheča. Táku uŋ glušnášniyaŋ kǵamíte niťháwa wóopǵhela káǵapi kiŋ lé wayáwapi ťhawóštaŋpi waŋ luťhókečapi kta héčha.

This proposal should be taken seriously. If it comes to pass, it must be done right. This is precisely why your committee should turn this legislation into a study resolution.

*[Monolingual testimony in English begins]*

The Truth and Reconciliation Commission of Maine and the Truth and Reconciliation Commission of Canada had a narrow focus. They were limited to conditions in Indian boarding schools.

Indian boarding schools in the United States were a road paved with good intentions.

Vice President Charles Curtis was the first – and so far the only – Indian vice president. His mother was Kanza. His father was Euro-American. Charles Curtis initially lived among the Kanza people under the guidance of his maternal grandfather, his itcígo, and maternal grandmother, his ikón. He spoke French. He spoke Kanza. He rode a horse. And yet, to save his life during a mass deportation, his ikon commanded him to live with his paternal grandmother in Topeka, Kansas.

Charles Curtis learned the ways of what some people would eventually call “white privilege”. He flourished. He prospered. He became an attorney. He became a Congressman. He became a United States Senator. He became the Majority Whip. He became the Majority Leader of the United States Senate. He eventually became the Vice President of the United States.

Vice President Curtis favored assimilation so other Indians could share his privilege. This was a tragedy. He was not the only person to imagine that other people wanted the privileges he had enjoyed. Not everybody – of any racial background – necessarily wants his privilege. Liberty means the freedom to choose traditional ways. Liberty means the freedom to chart one's own course. Liberty means not being required to live within the dream of someone else.

In [A Brief History of North Dakota](#) (1925), Herbert Clay Fish and R. M. Black wrote the following about the Mandan, Hidatsa, and Arikara:

“They are jealous of their old mother tongues and are slow to give them up for the white man's language. Nearly all of the young men speak English, but the middle aged and the old men and women cling tenaciously to the original languages.”

Please think carefully about the word “cling”. Think about what it means, then and now. It stings. It stings to anybody who feels even the slightest amount of conservatism. It stings from an arrogance which presumes superiority over other cultures they arbitrarily deem to be “savage”.

Were Indian boarding schools significantly different from other contemporary orphanages and boarding schools from the era? Far from being peculiar, the brutality of these schools may have been comparable to analogous institutions. Answering this would require longitudinal study.

The New York Military Academy, where President Donald Trump lived as an adolescent, was particularly notorious for its brutality and its hazing. This is why, far from demonizing our ex-president like so many other people have done, I pity him. I feel sorry for what he went through.

If this commission is controlled by Indian tribes with a focus on Indian trauma and only on Indian trauma, this could easily become a grievance commission that does not live up to its stated mission. Do you want other people to listen or do you want to vent to yet another brick wall? It is not a conversation when only certain people feel that they can speak about their trauma.

Even if one were to stipulate that Indians win the Oppression Olympiad of North Dakota (the term "Oppression Olympics" was coined in 1993 by Elizabeth Martinez in a conversation with Angela Davis, both of them Marxist professors), no group has a monopoly over intergenerational trauma. We should not forget that the State of North Dakota had a policy of forced sterilization from 1913 to 1965 in the name of Eugenics. Even if the number of Indians may have been disproportionate, they were not alone. Once our society argues over whose lives matter more, we all lose.

Sioux County remembers three men lynched in Emmons County in 1897. It got nationwide coverage, including the front page of a black newspaper called "The World", printed in the Twin Cities. "The World" said their names. "The World" printed their faces. The culture of Emmons County got imprinted by the murder of the Spicer family earlier that year. It also got nationwide coverage. Each event was an atrocity. Beware of double moral bookkeeping. People tend to remember what was done to them. People don't necessarily remember what was done to others.

Measure seven times. Cut once.

Please turn House Bill 1488 into a study resolution. Failing that, please recommend *DO NOT PASS*.

*[Bilingual testimony in Lakota and English begins]*

Philámayayapi.

Thank you.

Andrew Alexis Varvel  
2630 Commons Avenue  
Bismarck, ND 58503  
701-255-6639  
mr.a.alexis.varvel@gmail.com

Hello Chairman Weisz, Vice Chairwoman Rohr, and members of the House Human Services Committee,

My name is Maura Ferguson and I live in District 18. I am writing this from a personal perspective and not on behalf of either of my employers. I am writing to urge you to issue a “Do Pass” on HB 1488 to establish a Truth, Healing, and Reconciliation Commission within the state of North Dakota.

Indigenous People in North Dakota have been victims of terrible acts against humanity including having their children ripped away from their families of origin and sent to boarding schools – something that has lasting impact on ND Indigenous families to this very day. As a social worker, I know that Native American children are disproportionately represented within North Dakota’s foster care system. As a social worker and a mother I can also state with certainty that there is no hope of true healing without honest, deliberate recognition of the trauma that victims endured. North Dakota’s Indigenous people did not deserve the way they were treated, and North Dakota should do all within its power to learn about the trauma endured, rectify this to the best of their ability, and mitigate future trauma.

There are many countries around the world who have established Truth and Reconciliation Commissions to educate, take accountability, and foster healing. There are also incidences where this has happened in the United States as well, including the Greensboro Truth and Reconciliation Commission and the Maine Wabanaki-State Truth and Reconciliation Commission. You have the chance here to further the precedent set in Maine – we can show other states how to take accountability and heal, creating a healthier community and culture. It’s well beyond time for North Dakota to get this done. Please issue a “do pass” for HB 1488. Thank you.

Committee members,

I would like to recognize and honor Representative Ruth Anna Buffalo for introducing this bill and I offer my full support to this commission's deeply sacred task in working towards truth telling, healing and reconciliation.

We cannot move forward unless we acknowledge and address all aspect of North Dakota Settler Colonization including attempted genocide, centuries of oppression, laws such as the Dawes Act that resulted in land loss; broken treaties; cultural genocide of Boarding School era, and institutional and systemic racism.

This Commission would represent a long-awaited admission of injustices and an acknowledgment that Native people continue to be negatively impacted by settler colonization and provide a forum for victims to speak about personal experiences.

While we can't erase the historical events, the TRC provides an important step toward reconciliation and healing, But, first the truth telling must begin, and that is going to be painful, both for those telling their stories and for those listening. Historical and Intergenerational Trauma that will come out during testimonies.

Relationship between North Dakota tribes certainly suffered during NO DAPL. There is a prevailing lack of understanding of Native world view toward the sacredness of water and land.

A prevalent issue right now is Missing and Murdered Indigenous Women. While I am grateful for former Sen. Heitkamp for introducing Savanna's Act, we still face some of the highest rates of domestic violence and murder of Native women, more than ten times the national average due to normalized and increased societal tolerance of violence against Native women.

Most distressing there is continuing and pervasive stereotypes of tribal people – that we receive 'handouts' free college tuition etc., indicating a lack of understanding of treaty rights.

Natives ages 20-24; 25-34, and 35-44 are three of the five groups most likely to be killed by police making them more likely than any other racial group to be killed by police despite the fact that they only make up 1.2% of the population of the United States.

We have a disproportional high incarceration of Native men in penitentiaries. There is appalling disparities in health. These are broad quality of life issues rooted in economic adversity and poor social conditions. Diseases of the heart malignant

neoplasm, unintentional injuries, and diabetes are leading causes of Native deaths (2009-2011). We have the highest suicide and infant mortality.

The state of North Dakota could help better its relationship with tribal people by supporting and fully cooperating with this commission. Education on the collective history of events shaping Indian Country is needed – curriculum specific to the history of the Boarding School era is a must. We need more tribal representation in local and state government. I would refer this committee to the Declaration of the Rights of Indigenous Peoples (UNDRIP, 2007). The document emphasizes the right of Native peoples to live in dignity, to maintain and strengthen their own institutions, culture and traditions and to pursue their self-determined development, in keeping with their own need and aspirations. It outlaws discrimination against Native people.

Reconciliation for North Dakota Native people is a long journey between Truth and Reconciliation. Before reconciliation has to come healing. Healing requires that we acknowledge the harm, the injustices and what those who have benefited from the injustice have gained. Healing requires that we transform the systems of inequity and oppression into systems of equity and abide by the promise to do no further harm. As Native people we have to heal from Historical and Intergenerational Trauma.

Our culture is our treatment, our language I our medicine.

Reconciliation to me represents Restoring Respectful Relations.

Passing of this bill will represent a huge step towards Truth, Healing and Reconciliation.

Respectfully,

Dr. Denise Lajimodiere  
Retired, Associate Professor,  
Educational Leadership, NDSU

Testimony in Support of HB 1488

Submitted by Rev. Grace Murray

Pastor & Teacher at People's United Church of Christ, Fargo, ND

Greetings to Chairman Weisz and the members of the Human Services Committee:

HB 1488 would establish a truth, healing, and reconciliation commission to report to the legislature. This commission would give space to hear and understand the complicated history of the Native Americans of North Dakota (the first peoples of this land on which we live) and the state of North Dakota. I come as a person of faith and a member of the United Church of Christ. The ancestors of the United Church of Christ have a similarly complicated history with indigenous peoples. Historically, we, along with other European Christians dealt in a false theology that it was our manifest destiny to bring "the Word of the Lord" to the noble peoples that are the original inhabitants of the Great Plains. The United Church of Christ has recognized the injustice of that ideology and have begun the work of telling the truth of our own complicity in the subjugation of and physical, emotional, social, and spiritual harm to Native American people. In 2007, the United Nations adopted a resolution entitled United Nations Declaration on the Rights of Indigenous Peoples. Following this the World Council of Churches requested its members to adopt its Statement on the Doctrine of Discovery Impact on Indigenous Peoples, the United Church of Christ, the Episcopal Church, and the Council of Bishops of the United Methodists have done so. In 2013, the National Synod of the United Church of Christ passed a resolution repudiating the Doctrine of Discovery. The following year, the Northern Plains Conference of the United Church of Christ responded publicly by passing a resolution repudiating the Doctrine of Discovery as well. In this resolution, which is included with my testimony, we acknowledge the harm done and our need to approach members of the Native Nations to seek forgiveness.

As part of this commitment to truth, healing, and reconciliation, we have some hope of rebuilding the Memorial Congregational Church of Parshall. Tragically, an arsonist destroyed this historic structure in April 2019. The purpose of rebuilding would be to develop an interpretive center and a reconciliation center. Additionally, the Northern Plains Conference, prior to the pandemic, had begun to reach out to other churches to host and participate in Reconciliation Workshops. These workshops would have the purpose of gathering people across the Northern Plains Conference to enter into mutual engagement to find common ground on issues that tend to divide us. While our desire to engage in such a process is not exclusive to the purposes of HB 1488, you can see that our commitment is to participate in the process of truth, healing, and reconciliation as a way of life for us and all the people of the state of North Dakota.

It is only right that we begin this work in support of indigenous persons in North Dakota by recognizing as a state and a people the ongoing harm to Native American people brought about by the Doctrine of Discovery and its lingering remnants. Gathering the stories of the

effects this has had on indigenous people and responding to the harm visited upon them by making recommendations for healing is critical to preserving our common humanity.

As a pastor and teacher, I am called to seek the path of justice for all. As the descendant of colonizers, I seek forgiveness and desire to make amends for any harm to the first peoples of North Dakota that I, or my ancestors, have been complicit in. As a citizen, I have to call upon you as representatives of this great state to act with justice. I respectfully ask that you HB 1488 forward with a "Do Pass" recommendation.

Thank you for your attention and your consideration.

Rev. Grace Murray

Pastor & Teacher, People's United Church of Christ, Fargo, ND

**CALLING FOR THE NORTHERN PLAINS CONFERENCE UNITED CHURCH  
OF CHRIST TO REPUDIATE THE DOCTRINE OF DISCOVERY  
WHICH AUTHORIZED THE GENOCIDE OF INDIAN PEOPLE  
AND THE THEFT OF INDIAN LANDS**

**A resolution of witness submitted to the Northern Plains Conference United  
Church of Christ at their 2014 Annual Meeting**

**Background Information**

The papal bull Terra Nullius issued by Pope Urban II in 1095 and the papal bull Romanus Pontifex issued by Pope Nicholas V in 1452 declared war against all non-Christians throughout the world, treated non-Christians as uncivilized and subhuman and therefore without rights to land or nation, gave Christian leaders the God given right to take control of all lands occupied by non-Christians, and justified wars of conquest, colonization, and slavery. These papal bulls have never been repealed

In 1492, King Henry VII and Pope Alexander VI adopted the Doctrine of Discovery and declared all lands “discovered” by Columbus and other explorers as “The Christian Empire.”

In a unanimous decision, Chief Justice John Marshall of the Supreme Court, wrote that the Christian European Nation had assumed complete control over the lands of American during the “Age of Discovery” and that the United States of American inherited authority over these lands in the War of Independence. This incorporated the logical justification for the Doctrine of Discovery into American federal law. There have been ten US Supreme Court decisions affirming the Doctrine of Discovery.

The Doctrine of Discovery governs US Indian law today and has been cited as recently as 2005.

**Theological and Ethical Rationale**

This Resolution calls upon the Northern Plains Conference United Church of Christ to move beyond the theology which authorized the Doctrine of Discovery, and follow what Micah 6:8 tells us: “He has told you, O mortal, what is good; and what does the Lord require of you but to do justice, and to love kindness, and walk humbly with your God.”

Our mission as the People of God is about healing, serving, transforming, and justice as love made visible. We choose to believe in the Biblical mandate to love God, neighbor, and self.

**The Text of the Motion**

Whereas from the Crusades through the 16th century, the Roman Catholic Church promulgated several papal bulls which authorized and justified the destruction, killing, and appropriating lands of indigenous peoples. These papal bulls formulated the theological base for what has become the tragic genocide of American Indians; and

Whereas Protestant churches began as early as 1609 to developed a narrative that brought together a legal rationalization for invading America and debasing American Indians; and

Whereas in 1823, the Supreme Court in Johnson v. McIntosh incorporated into American law the Doctrine of Discovery by claiming the United States inherited the American conquest from the English; and

Whereas since 1845, the phrase Manifest Destiny was used to affirm that the United States of America was called by Providence to dominate the continent for the free development of America's inevitable growth. Manifest Destiny grew out of, and was based on, the Doctrine of Discovery; and

Whereas not only has the Doctrine of Discovery never been repudiated, and court decisions against American Indians have been made within the past several decades based on this doctrine: and

Whereas the United Nations adopted a resolution entitled United Nations Declaration on the Rights of Indigenous Peoples in 2007; and

Whereas when the World Council of Churches requested its members to adopt its Statement on the Doctrine of Discovery Impact on Indigenous Peoples, the UCC, the Episcopal Church, the Council of Bishops of the United Methodists have done so; and

Whereas there is a growing awareness and concern in the Northern Plains Conference United Church of Christ about the Doctrine of Discovery; and

Whereas the 2013 National Synod of the United Church of Christ passed a resolution calling for the repudiation of the Doctrine of Discovery and the Northern Plains Conference United Church of Christ has not yet responded in a formal and public manner

**Therefore be it resolved** that the 2014 annual meeting of Northern Plains Conference United Church of Christ repudiates the Doctrine of Discovery and declares the doctrine to be a shameful part of United States history

**Be it further resolved** that the Northern Plains Conference United Church of Christ joins with its ecumenical partners to explore ways to educate ourselves and the community about ways to reconcile with the American Indians in North

Dakota.

**Be it further resolved** that the Northern Plains Conference United Church of Christ admonishes all athletic teams of high schools, colleges, and universities in the Northern Plains Conference United Church of Christ area to relinquish any name that uses Native American terminology.

**Be it further resolved** that the Northern Plains Conference United Church of Christ admonishes national, state, and local governments to honor or revisit all treaties made with any Native American tribe or group concerning land abutting Lake Sakakawea with the result being the restoration of land to the tribes.

**Be it further resolved** that the Northern Plains Conference United Church of Christ establish a task force and direct it to approach the Native American tribes of North Dakota seeking forgiveness for the harm done by the Doctrine of Discovery, and to ask for reconciliation.

TO: Chairman Weisz, Vice Chairwoman Rohr,  
and members of the ND House Human Services Committee,

My name is Joe A. Larson, and I serve as pastor of St. Mark's Lutheran Church in Fargo, ND.

I am writing to urge your approval of HB 1488 to establish a Truth, Healing and Reconciliation Commission within the state of North Dakota.

As a religious leader, I am aware of the long history of discrimination and oppression of Indigenous People within our state. Oftentimes, the Church has been complicit in a variety of ways in supporting governmental policies that removed children from their families and tribes, restricted Native American cultural and religious practices, and promoted racism against their people.

Countries like South Africa have demonstrated the need and healing potential of their Truth and Reconciliation Commission in response to their long history of apartheid. Witnesses who were identified as victims of gross human rights violations were invited to give statements about their experiences as a way to educate the public about the long-term effects of racism. A similar process has been used in other states in our country to help communities and states deal with our history.

As a pastor, I see the potential for Truth, Healing and Reconciliation Commission to bring restorative justice, healing and reconciliation. I believe God calls us "do justice, to love kindness, and to walk humbly with our God." (Micah 6:8)

I ask you to issue a "Do Pass" for HB 1488.

Sincerely,

Rev. Joe A. Larson  
St. Mark's Lutheran Church  
417 Main Avenue, Suite 401, Fargo, ND 58103  
pastorjoe@stmarkslutheranfargo.com Cell: 612-750-5079

**Testimony in SUPPORT of HB1488**  
**Relating to the creation of the truth, healing, and reconciliation commission**

**House Human Services Committee**

February 8, 2021 • ND State Capitol

Submitted by Cheryl Kary, Ph.D.

[Cheryl@sacredpipe.net](mailto:Cheryl@sacredpipe.net) • 701.426.1315

Chairperson and members of the Committee:

My name is Cheryl Kary and I am the Executive Director of the Sacred Pipe Resource Center, a local non-profit serving the American Indian population in Bismarck-Mandan and Lincoln. I would like to offer this testimony in support of HB1488, relating to the creation of a truth, healing, and reconciliation commission. I am particularly interested in the passage of this bill because I see the need for this nearly every day in my interactions with service providers, the business community, and the general public.

In my work at the Sacred Pipe Resource Center, I do a lot of outreach, training and service as a liaison between Native and non-Native communities. And no matter what type of project I'm involved in, I find myself having to (1) educate members of the general public about North Dakota's history with regard to Native people, and (2) conciliate the legacy of historical conflicts, distrust and trauma.

William Faulkner once wrote, "The past is never dead. It's not even past." This is especially true for the State of North Dakota. Our State has been forged in conflict, displacement, violence, and injustice – heavy words but not as heavy as the burden of living with unresolved trauma, silence, and avoidance. We have lived with the legacy of these things but have gone blithely along as if they have had no impact on the people of this State. It is not unlike a household that refuses to discuss the "family secret" of abuse or alcoholism. And, as the familiar adage goes, unless we learn from our contentious history we will be forever doomed to repeat it. In fact, the entire Dakota Access Pipeline protest led at Standing Rock was a direct replay of the railroad expansion of the mid-1800's and, unfortunately, the North Dakota response was no different in 2016 than it was in 1889. The conflict, displacement, violence, and injustice of the pipeline issue only served to further traumatize and divide all people of the State. We must do better.

HB1488 is a map for attempting to accomplish what no political party, government, municipality, or organization has ever been able to accomplish – healing the wounds of the past and uniting people of this State around shared understandings. Until we begin this process, we will continually live under the heavy shadow of an unresolved past.

Acknowledgement of harms done is the first step towards a healthier, more equitable future, and I believe this bill is an important step in addressing the generational and ongoing struggles of our state's tribal nations. I am a white person that grew up in the Bismarck Public School system and yet I learned next to nothing about the true history of Indigenous people in our country and in our state. Over this past year, I have spent a significant amount of time educating myself on these issues, and to say I have been horrified is an understatement. Our ancestors' treatment of Native people was selfish and cruel, and we have done next to nothing to acknowledge that. Even more so, North Dakota's reservation communities continue to have a proliferation of violence, particularly against Native girls and women, health and education disparities, food deserts, and so on. These are sovereign nations whose rights are guaranteed in treaty law, yet those rights are often not upheld as we saw in the case of the Dakota Access Pipeline. Our treatment of Native people is a great shame held by our state. This bill will be a vital step in lifting that shame and beginning to acknowledge the harm that has been and continues to be done. More than that, it will offer real solutions and a way for these nations and the state to move forward in a more healthy and equitable relationship. It is important to me personally that I address and seek to rectify the harm done by my ancestors who came to this state that became my beloved home. I hope you join me in doing the same by supporting this bill.

**TESTIMONY BY JOEL FRIESZ****IN SUPPORT OF HB 1488****MONDAY, FEBRUARY 8, 2021**

Chairman Weisz and House Human Services Committee Members. Please accept this as written testimony in support of the creation of the truth, healing, and reconciliation commission; provide for a legislative management report; and to provide an expiration date.

Through my work in the field of Restorative Justice and victim services over the past 16 years in North Dakota, I have become familiar with the impacts of historical and intergenerational trauma in tribal communities. Beginning in 2013, I have been involved with youth programming in North Dakota that is focused specifically on addressing the overrepresentation of minority youth in the ND juvenile justice system. This overrepresentation is referred to as Disproportionate Minority Contact (DMC) and impacts youth and families in our state. In 2016 I was part of a cohort from Cass and Burleigh Counties that completed the Reducing Racial and Ethnic Disparities in the Juvenile Justice System Certificate Program at Georgetown University in Washington, DC. As part of this certificate program we studied concepts that negatively impact youth and push them into the justice system. Historical and intergenerational trauma in tribal communities is one of the factors that was highlighted as an important element to understand to improve outcomes for youth. One of the main reasons I support this bill is because we will have better ability to improve outcomes for youth and families if we study concepts such as historical and intergenerational trauma. As a state that is home to numerous tribal communities, it is critical that we understand these concepts to equip ourselves with the information we need to recognize, identify, and remove adversities and barriers for current and future generations.

As part of a national Restorative Justice association in which I serve on the Executive Team, we utilize some of the following language to highlight the importance of giving attention to truth, healing and reconciliation processes:

- We recognize that experiences of trans-generational historical harm in the American experience are deep, affecting the lived experience of people, groups, communities, institutions and systems. Historical harm continues to affect all people, especially communities of color.
- Historical harm lives both in the past and the present as it shapes how all people and groups respond to harm and conflict through their participation, perpetration, victimization, tolerance and/or inaction. We advocate that deep healing and genuine change can only emerge through recognition, acknowledgement and repair of the current trauma that results from unaddressed historical harm.
- Unaddressed and unhealed historical harm is a root factor underlying most social problems that confront us today (e.g., crime, victimization, mass incarceration, poverty, racism, ethnocentrism, gender bias, homophobia, and social injustice).

Thank you for the opportunity to share this information with you. I am happy to answer any questions or provide additional information.

Joel Friesz

Email: [joelfriesz@outlook.com](mailto:joelfriesz@outlook.com)

Phone: 701-799-0387

Fargo, ND

February 8, 2021

Honorable members of the North Dakota House Human Services Committee,

My name is Adam Fortwengler. I've lived in Grand Forks for nearly 11 years after growing up on the Grand Forks AFB. I'm currently a resident of District 42.

I am writing in strong support of HB 1488, which would create a truth, healing, and reconciliation commission to begin to address the historically and present abusive and traumatic relationship between colonizing forces (e.g., the State of North Dakota) and the five Indigenous nations on whose land we live upon. The commission would provide a platform for individuals, families, and Tribal Nations to testify about the historical and present-day trauma and suffering they've experienced due to the actions and inactions of the state.

It would enter their stories into record and give a voice to the far-too-long ignored. It would study the effects of this trauma and eventually provide the beginnings of actions to address these damages. It could be the first steps to healing, both for Indigenous individuals and communities, and for the relationships between the state and the five Tribal Nations. HB 1488 would also set the stage for an annual peace summit at the International Peace Gardens – a wonderful setting for vital work.

I implore you to listen to the testimony of our Native brothers and sisters today on what a truth, healing, and reconciliation commission would mean and accomplish. It's well past due that we begin addressing our historical injustices perpetrated against Indigenous people and communities in the name and benefit of the State of North Dakota.

Please vote "do pass" on HB 1488. Thank you.

Best regards,

A handwritten signature in black ink, appearing to read 'Adam Fortwengler', with a stylized flourish at the end.

Adam Fortwengler

February 8, 2021

Dear Chair Robin Weisz and Members of the House Human Services Committee:

As a faith leader and a licensed professional counselor who has served a number of communities in North Dakota, I urge you to vote DO PASS on HB 1488, which would establish a Truth, Healing, and Reconciliation Commission.

This important bill would support a number of crucial practices toward inter-cultural healing, rooted in age-old spiritual realities: we are transformed by telling the truth, by being in genuine witness to it, and by creating structures where both processes become possible. This bill would do all of this, honoring history from Indigenous peoples' perspectives and providing descendants of settlers with an opportunity to learn and respect this history. What's more, this bill would make all of this happen through the leadership and guidance of Indigenous peoples and practices, addressing historical trauma in culturally relevant ways.

Communities in Minnesota, South Africa, and around the world have found that such Commissions restore trust and wellbeing across cultures in profound ways. I hope you will give today's testimony your fullest consideration and attention, preparing the way in today's hearing for the work yet to come.

Sincerely,

Rev. Karen I Van Fossan  
Fargo-Moorhead Unitarian Universalist Church  
121 9<sup>th</sup> St. S.  
Fargo, ND 58103

February 8, 2021  
In Support of HB 1488

As your constituent and a local church pastor, I urge you to support HB 1488 and create a truth, healing, and reconciliation commission. North Dakota is in desperate need of a truth, healing, and reconciliation commission. Great atrocities have been committed in our history and we must heal and reconcile in order to move forward into greater community health. Much of the societal inequality and discrimination could be reduced through the work of a truth, healing, and reconciliation commission. I strongly urge you to give a “Do Pass” recommendation and vote in favor of HB 1488.

Thank you,  
Rev. Gretchen Deeg  
Bismarck, ND

# 2021 HOUSE STANDING COMMITTEE MINUTES

## Human Services Committee Pioneer Room, State Capitol

HB 1488  
2/08/2021 PM

Relating to the creation of the truth, healing, and reconciliation commission; to provide for a legislative management report; and to provide an expiration date
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**Chairman Weisz** opened the committee meeting at 3:52 p.m.

<b>Representatives</b>	<b>Attendance</b>
Representative Robin Weisz	P
Representative Karen M. Rohr	P
Representative Mike Beltz	P
Representative Chuck Damschen	P
Representative Bill Devlin	P
Representative Gretchen Dobervich	P
Representative Clayton Fegley	P
Representative Dwight Kiefert	P
Representative Todd Porter	P
Representative Matthew Ruby	P
Representative Mary Schneider	P
Representative Kathy Skroch	P
Representative Bill Tveit	P
Representative Greg Westlind	P

### Discussion Topics:

- Reconciliation commission director
- Indian Affairs Commission

**Rep. Robin Weisz (3:53)** presented Rep. Buffalo's **Amendment #21.0872.06001 - #5972**

**Scott Davis, North Dakota Indian Affairs Commission (4:00)** answered committee questions.

**Rep. Todd Porter (4:20)** moved Do Not Pass.

**Rep. Greg Westlind (4:20)** second.

**Representative Nathan Davis, Turtle Mountain Tribe (4:26)** answered committee questions.

<b>Representatives</b>	<b>Vote</b>
Representative Robin Weisz	Y
Representative Karen M. Rohr	Y
Representative Mike Beltz	Y
Representative Chuck Damschen	Y

Representative Bill Devlin	Y
Representative Gretchen Dobervich	N
Representative Clayton Fegley	Y
Representative Dwight Kiefert	Y
Representative Todd Porter	Y
Representative Matthew Ruby	Y
Representative Mary Schneider	N
Representative Kathy Skroch	Y
Representative Bill Tveit	Y
Representative Greg Westlind	Y

**Motion Carried Do Not Pass 12-2-0**

**Bill Carrier:** Rep. Matthew Ruby

**Chairman Weisz** adjourned at 4:37 p.m.

*Tamara Krause, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**HB 1488: Human Services Committee (Rep. Weisz, Chairman)** recommends **DO NOT PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1488 was placed on the Eleventh order on the calendar.

21.0872.06001  
Title.

Prepared by the Legislative Council staff for  
Representative Buffalo  
February 8, 2021

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1488

Page 1, line 15, remove "Hire a director to coordinate testimony, recordings of testimony, and meetings of"

Page 1, remove line 16

Page 1, line 17, remove "b."

Page 1, line 19, replace "c." with "b."

Page 2, line 1, replace "d." with "c."

Page 2, line 3, replace "e." with "d."

Page 2, line 6, replace "f." with "e."

Page 2, line 11, replace "g." with "f."

Page 2, line 15, replace "h." with "g."

Renumber accordingly