

REFRAMING THE ISSUES:

A Path Towards Healing for Native
American Communities in Massachusetts

Prepared by Patrik Johansson MD,
For the Commonwealth of Massachusetts
Commission on Indian Affairs.



HARVARD UNIVERSITY
NATIVE AMERICAN PROGRAM
AN INTERFACULTY INITIATIVE OF HARVARD UNIVERSITY



**THE HARVARD PROJECT ON
AMERICAN INDIAN ECONOMIC DEVELOPMENT**
A PROJECT OF THE HARVARD UNIVERSITY NATIVE AMERICAN PROGRAM
MALCOLM WIENER CENTER FOR SOCIAL POLICY
JOHN F. KENNEDY SCHOOL OF GOVERNMENT
HARVARD UNIVERSITY

The views expressed in this report are those of the author(s) and do not necessarily reflect those of the Harvard University Native American Program (HUNAP), the Harvard Project on American Indian Economic Development, or Harvard University. Reports in this series are supported by HUNAP and the Harvard Project. Permission is hereby granted for reproduction and distribution. For further information, contact the HUNAP at 617-495-9064, www.gse.harvard.edu/~nap or the Harvard Project at (617) 495-1480, www.ksg.harvard.edu/hpaied.

© The Harvard Project on American Indian Economic Development, 2001

Table of Contents

Table of Contents	3
Introduction	4
Interracial Justice	6
Challenges	26
Goals	29
Criteria	30
Nested Analysis	30
Implementation	44
Appendix 1	45
Appendix 2	46
Appendix 3	46
Appendix 4	47
Appendix 5	49
Executive Summary	50
Virginia Resolution	52
BIA Apology	53
Canada Statement of...	55
NZ Crown Apology	57
Notes for an Address...	59
Milton Hunt	66
Facing History Facing...	68
Reinterpreting NE Indians	70

Introduction

Over the past ten years several recent international acts of apology, recognition, reparations, and reconciliation (ARRR) have taken place to address acts, events, policies, or violations of agreements between parties that have adversely affected one group or groups of people. The affected parties are often distinguished by nationality, culture, language, race, and or ethnicity. This distinction is also one of power, and most often, the dominant group extends the gesture of expression to a historically subordinated group.

Examples include: The Commonwealth of Virginia General Assembly House Joint Resolution no. 607, Expressing the General Assembly's regret for Virginia's experience with eugenics; Kevin Gover's apology on behalf of the Bureau of Indian Affairs (BIA) to Native Americans; the Gathering Strength, Canada's Aboriginal Action Plan, and the Deed of Settlement at Kaikoura in New Zealand (See Appendix 1 for timeline of gestures, p. 45) and (Appendices 2,3 for type and form of gestures, p.46). The Commonwealth of Massachusetts Commission of Indian Affairs (MCIA) has an opportunity to apply lessons learned from these gestures to issues they face in Massachusetts.

The MCIA has been approached by a House Representative Peter Koutoujian with regards to having the Commonwealth of Massachusetts make a formal expression of regret to the tribes of Massachusetts for past mistreatment. The Muhheconneuk Intertribal Committee on Deer Island, which represents eight tribes whose ancestors were interned on Deer Island, is planning a memorial for the victims on Deer Island, and

individuals have pitched the idea to the MCIA of building a Massachusetts Indian memorial on the Freedom Trail.

According to the MCIA, a de-emphasis of contemporary Native Americans in Massachusetts, in the Massachusetts public school curriculum, and a poor public image of Native Americans represent challenges for tribes to gain legitimacy in Massachusetts. The MCIA deals daily with discrediting tactics of the media who attempt often succeed in promoting anti-Indian sentiments with regards to more tribes gaining federal recognition in Massachusetts. Meanwhile, the Massachusetts public school system perpetuates the "Last of the Mohegans" syndrome by not including any mandatory curriculum on contemporary New England Indians, following King Philip's War. Dealing with the media and reforming the education system can lay the groundwork for more receptivity on behalf of the majority community to approach gestures of ARRR.

In analyzing the outcomes of acts of ARRR's involving communities of color, Eric K. Yamamoto, Professor of Law, University of Hawai'i Law School has created an approach which he labels interracial justice. Interracial justice embraces anti-subordination principles and draws upon healing from several different disciplines, including law, theology, social psychology, political theory, and indigenous practices. This concept can assist groups seeking to rethink alliances by bridging the gap that between currently felt racial wounds and the establishment or restoration of intergroup relations.¹

¹ Eric K. Yamamoto, Race Apologies, *The Journal of Gender, Race & Justice*, Fall 1997, 4.

Interracial Justice

Interracial justice suggests action into four related areas:

- Acknowledgment
- Affirmative efforts
- Material change
- Re-framing

Acknowledgement

1. Acknowledgement asks racial groups to recognize and if needed jointly reconstruct the historic past to explain current disabling racial climate and subsequent human suffering.
2. It asks the groups to recognize their respective roles in and responsibility for the poor relations.
3. Acknowledgement asks both groups to accept responsibility for healing so that the groups can begin to address historical hatred and mistrust. Acknowledgement can be seen as the first step in healing a wound as the wound must be realistically assessed before it can be treated.

Example of Acknowledgement, COMMONWEALTH OF VIRGINIA GENERAL ASSEMBLY HOUSE JOINT RESOLUTION NO. 607, Expressing the General Assembly's regret for Virginia's experience with eugenics, February 14, 2001.
(See Commonwealth of Virginia General Assembly Resolution 607, p.52)

Background: From 1924 to 1972, 7450 people in Virginia in the name of eugenics, were forcibly sterilized. The goal of eugenics was to perfect the white race. This now discredited pseudo science, mandated involuntary surgical sterilization of people with diseases thought to be hereditary, including mental illness, mental retardation, epilepsy, criminal behavior, alcoholism and immorality. Even people deemed to be "ne'er-do-wells" were targeted. The second eugenics related law was the Racial Integrity Act, defining a white person as having no trace of black blood and making it illegal for whites and non-Caucasians to marry. In addition, as a part of this movement Dr. Walter A. Plecker's efforts included eradicating Native Americans from Virginia's official records by classifying them as black. The eugenics law, which was declared illegal in 1979 also served as a model for other states. Nazi Germany's 1933 law for the Prevention of Offspring with Hereditary Diseases contained language similar to Virginia's statute, and was used to order the sterilization of two million people.² Virginia and 29 other states sterilized 60,000 individuals against their will in the eugenics movement. Virginia's role in the eugenics movement in an upcoming exhibit at the National Holocaust Museum in Washington DC, served as an incentive for Virginia to make an expression of regret. Furthermore, coalitions between Virginia's Disabled Action Committee, Lynchburg

² "Virginia Expresses Regret for Past Sterilizations", New York Times, February 15 2001, section A, 22.

Depressive Disorders Association, and veterans' organizations moved the agenda forward with the assistance of the media.

Acknowledgement: The resolution, sponsored by Del. Mitch Van Yahres, D-Charlottesville states that "*...the General Assembly express its profound regret over the Commonwealth's role in the eugenics movement in this country and the incalculable human damage done in the name of eugenics, and be it resolved further that the General Assembly urge the citizens of Virginia to become familiar with the history of the eugenics movement, in belief that a more educated, enlightened and tolerant population will reject absolutely any such abhorrent pseudo-scientific movement in the future.*"³

Acknowledgement step 1: Asking racial groups to recognize, and if needed to jointly reconstruct the historic past to explain current disabling racial climate and subsequent human suffering. The resolution did not address all the aspect of the eugenics movement, such as the pencil genocide waged by Dr. Walter Plecker on Native Americans, by reclassifying Native Americans as African Americans. In addition to Dr. Plecker, the Virginia launched Anglo-Saxon Clubs of America that pressed for race purity laws was not mentioned in the resolution. However, the authors of the resolution incorporated input from groups with members who had been disproportionately affected, such Virginia's Disabled Action Committee, Lynchburg Depressive Disorders Association. Yet these groups did not feel that an expression of regret was adequate, and demanded an apology from the state.

³ COMMONWEALTH OF VIRGINIA GENERAL ASSEMBLY HOUSE JOINT RESOLUTION NO. 607. Expressing the General Assembly's regret for Virginia's experience with eugenics, 2/14-2001.

Living victims such as Raymond Hudlow, a decorated world war II veteran, who was sterilized at the age of 16 following several attempts to run away from his abusive father, said, "If it weren't for statute of limitations, I would have sued the federal government. If the federal government truly believed in sterilizing me because I was a mentally defective, then why would they have drafted me? Still, the expression of regret is more than I would have expected, but they could at least give me a letter or some type of diploma and then I would feel better."⁴ Groups on the far right such as the National Organization For European-American Rights felt the measure would lead to calls of reparations from people offended by everything from the Confederate flag George Washington.⁵ Sen. Warren E. Barry, R-Fairfax, warned of "a trend in this country trying to recreate history. Now, we go back and stir the pot of history and take the most unfortunate chapters in our history and try to relive them for no real purpose. If the general assembly is not careful, I can tell you we are going to be faced with a lot of expressions of regret or apologies."⁶ Fear of liability remained the state's main reason for couching the resolution in the language of an expression of regret, rather than an apology.⁷

Acknowledgment Step 2: Asking the groups to recognize their respective roles in and responsibility for the poor relations. As mentioned in the previous paragraph, victims generally did not feel that the resolution went far enough to recognize the roles of

⁴ Raymond Hudlow, interview by author, April 8, 2001.

⁵ Bob Lewis, "Senate panel approved measure voicing regret for eugenics," *The Associated Press State and Wire*, February 12, 2001, State and Regional.

the guilty parties, as certain individuals such as Dr. Plecker were not mentioned in the resolution. Still, the General Assembly expressed its profound regret over the Commonwealth's role in the eugenics movement, but did not extend the regret to the victims.

Acknowledgement Step 3: Asking both groups to accept responsibility for healing so that the groups can begin to address historical hatred and mistrust. According to Steven Selden of the University Maryland, and member of a panel of academic experts advising the Holocaust Museum on a 2004 exhibit on racial science in Germany, the resolution may be a very important step in a kind of healing process.”⁸ Still, the resolution does not ask both groups to accept responsibility for healing. In some circumstances acknowledgement of responsibility for a group's historical wounds may itself be enough to heal, but in instances such as the aforementioned resolution something more may be needed because “repentance without restitution is empty.”⁹ In summary, the wounds from the Virginia's eugenics movement have not been realistically assessed, which means that healing will be difficult.

⁶ Peter Hardin, “Eugenics effort denounced; Senate joins House in regret. *The Richmond times Dispatch*, February 15, 2001, area/state, A-1.

⁷ Del. Mitch Van Yahres, D-Charlottesville, Interview by author, April 6, 2001.

⁸ Peter Hardin, “Confronting an Ugly Legacy; Eugenics Resolution, an Important Step,” *The Richmond times Dispatch*, February 12, 2001, Area/State, A-1.

⁹ Tina Rosenberg, “Recovering from Apartheid,” *New Yorker*, Nov. 18, 1996, at 87, 87.

The Trojan Horse Effect of Resolution 607

Although several victims of the eugenics movement expressed outrage at the absence of an apology, and for not acknowledging all participants of the movement, such as Dr. Walter Plecker (who declassified Native Americans as blacks), the resolution has caused debate in other states regarding their role in the eugenics movement. The Vermont Department of Public Health's 2001 American Indian Health Survey includes questions on the effect of eugenics on Native American health. Furthermore, the DeJarnette Center's name (named after Dr. Joseph DeJarnette, who carried out many sterilizations) was changed to the Center of Youth and Adolescence. The Virginia Board of Mental Health Services is currently considering placing historical plaques with the language of resolution 607 on the grounds of state facilities where sterilizations took place, and establishing an education program to secure the life stories of eugenics survivors.

Affirmative Efforts

In situations of interracial justice where repentance without restitution is empty, affirmative efforts, which entails cleaning the wound and treating the infection, i.e. acting upon the acknowledgement. Mutual affirmative efforts mean moving beyond the acknowledgment and reaching out to heal the injury with purposeful actions, often in the form of an apology, reparations and corresponding forgiveness.

Example of an Affirmative Effort: Apology to Indian People from the Bureau of Indian Affairs, by Kevin Gover, Assistant Secretary of Bureau of Indian Affairs, September 8, 2000. (See Remarks of Kevin Gover, Assistant Secretary Indian Affairs Department of the Interior at the Ceremony Acknowledging the 175th Anniversary of the Bureau of Indian Affairs, p. 53)

On behalf of the Bureau of Indian Affairs, Assistant Secretary extended a formal apology to Indian people for the misconduct of the Bureau of Indian Affairs, “for its’ legacy of racism and inhumanity that included massacres, relocations and the destruction of Indian languages and cultures. By accepting this legacy, we accept also the moral responsibility of putting things right,”¹⁰ Mr. Gover said in an emotional speech marking the agency’s 175th anniversary. Mr. Gover was the highest-ranking U.S. official ever to make such a statement regarding the treatment of American Indians. Similar to the Virginia legislation’s expression of regret, reactions to Mr. Gover’s apology brought about a mixed response. On the one hand, the apology was made to American Indian people by

¹⁰ Brian Stockes, “Gover Apologizes for Atrocities of the Past Cannot Yet Ask for Forgiveness,” *Indian Country Today*, September 20, 2000, 2.

an out-going, American Indian leader for an organization that is now made up of approximately 90% American Indians, and the apology was not made on behalf of the United States government. Furthermore, some people did not feel it went far enough, Victor John Husselbee, Tlingit said, "Apology is nice but it doesn't give us our language and culture back."¹¹ Jeanette Morrison, a 61 year-old Muckelshoot woman felt the apology came too late as the ones who should be apologized to are already gone. "For my grandmother, it's no good for her."¹²

Still statements by individuals such as Susan Masten, chairwoman of California's Yurok tribe and president of the National Congress of American Indians such as, "I thought it was a heroic and historic moment...For us there was a lot of emotion in that apology. It's important for us to begin to heal from what has been done since non-Indian contact." reveals a positive effect of an apology. Rose Olney, Yakama wondered how much effect Gover's words would have, but said they validated the suffering of her ancestors.¹³ Several firm statements of commitment to American Indian people accompanied the apology, in the language of affirmative efforts, but no reparations. For example, Mr. Gover said, "We therefore begin this important work anew and make a new commitment to the people and communities that we serve, a commitment born of the dedication we share with you to the cause of renewed hope and prosperity for Indian country."¹⁴ Still,

¹¹ Seattle Post-Intelligencer, "Indians Receive Apology from BIA," accessed 4/24-2001 [seattle-i.nwsourc.com/national/bia091.shtml](http://seattle.i.nwsourc.com/national/bia091.shtml)

¹² Seattle Post-Intelligencer, "Indians Receive Apology from BIA," accessed May 17, 2001, seattle-i.nwsourc.com/national/bia091.shtml

¹³ Seattle Post-Intelligencer, "Indians Receive Apology from BIA," accessed May 17, 2001, seattle-i.nwsourc.com/national/bia091.shtml

¹⁴ Brian Stockes, "Gover Apologizes for Atrocities of the Past Cannot Yet Ask for Forgiveness," *Indian Country Today*, September 20, 2000, 2.

there was no mention of what this commitment entails, and, in the final analysis, the majority of the statements were mainly promises of not repeating the past mistreatment. In terms of affirmative efforts, this effort on behalf of the BIA lacks elements of reparations, forgiveness. Although the aforementioned quote attempts to signal a change in group attitude and relational structure between American Indians and the Bureau of Indian Affairs, the lacking of those elements prevents this effort from reaching the stage of material change.

Material Change

Reflects the consequences of acknowledgment and affirmative efforts and implies a re-articulation in identity and a restructure of inter-group interactions. Material change signifies acceptance and forgiveness on one level and institutional restructuring and the redistribution of the group power.

Example of Material Change: Gathering Strength—Canada's Aboriginal Action Plan, 1998 (See Notes for an Address by the Honourable Jane Stewart, Minister of Indian Affairs and the Northern Development on the occasion of the unveiling of Gathering Strength—Canada's Aboriginal Action Plan Ottawa, Ontario, January 7 1998, p.59)

Background information: In 1998, the federal Canadian government unveiled the Gathering Strength Aboriginal Action Plan, as a response to the Report by the Royal Commission of Aboriginal Affairs, which was a five volume 3500 page review with 440 recommendations. This report reviewed everything from the origins and structures of

aboriginal governments to and the nature of claims settlements, to the Indian Act and social, economic and cultural concerns.¹⁵ Although the \$58 million report was completed in 1996, initially the findings from the report were not confronted; however, political pressure from indigenous groups forced the federal government to address issues ranging from sexual abuse in residential schools to language reclamation, in the Gathering Strength Aboriginal Action Plan.¹⁶

The center piece of the Gathering Strength Aboriginal Action Plan included a Statement of Reconciliation, where the Government of Canada formally expressed to all Aboriginal people in Canada its profound regret for past actions of the federal government which contributed to the difficult pages in the history of their relationship together (See **Statement of Reconciliation, p.55**). The “Gathering Strength” document also included four general themes: renewing partnership, strengthening aboriginal governance, developing a new fiscal relationship, and supporting strong communities.

Material Change: Reflecting the consequences of acknowledgment and affirmative efforts and implying a re-articulation in identity and a restructure of inter-group interactions. In the Gathering Strength Aboriginal Action Plan the Royal Aboriginal Affairs Commissioners identified four stages in relations between Aboriginal and non-Aboriginal people.

¹⁵ Notes for an Address by the Honourable Jane Stewart, Minister of Indian Affairs and the Northern Development on the occasion of the unveiling of Gathering Strength—Canada’s Aboriginal Action Plan Ottawa, Ontario, January 7 1998, http://www.inac.gc.ca/nr/spch/1998/98j7_e.html

¹⁶ Bob Watts, Assistant Deputy Minister, Lands and Trusts Services, Indian and Northern Affairs Canada, interview by author, March 6, 2001.

1. Separate worlds -- prior to European arrival in Canada.
2. Contact and cooperation -- a time when settlers and Aboriginal people were co-dependent.
3. Deterioration to displacement and assimilation -- the period from the early 1800s until about 30 years ago, a time when colonial governments imposed their ways on Aboriginal people. The Commissioners said, "The main policy direction, pursued for more than 150 years, first by colonial then by the Canadian governments have been wrong."¹⁷
4. Renewal -- a chance now in this generation to correct past wrongs and move forward in cooperative relationships once again.

Along the lines of acknowledgement, affirmative efforts, and material change, Ms.

Stewart also stated, "The time has come to state formally that the days of paternalism and disrespect are behind us and that we are committed to changing the nature of the relationship between Aboriginal and non-Aboriginal people in Canada. Having said that, we cannot look forward without first looking back and coming to terms with the impact of our past actions and attitudes. History cannot be changed, but it must be understood in a way that reflects that people today are living out the legacy of decisions made in a different time."¹⁸

¹⁷ Notes for an Address by the Honourable Jane Stewart, Minister of Indian Affairs and the Northern Development on the occasion of the unveiling of Gathering Strength—Canada's Aboriginal Action Plan Ottawa, Ontario, January 7 1998, accessed March 2, 2001, http://www.inac.gc.ca/nr/spch/1998/98j7_e.html

¹⁸ Notes for an Address by the Honourable Jane Stewart, Minister of Indian Affairs and the Northern Development on the occasion of the unveiling of Gathering Strength—Canada's Aboriginal Action Plan Ottawa, Ontario, January 7 1998, accessed March 2, 2001, http://www.inac.gc.ca/nr/spch/1998/98j7_e.html

With regards to restructuring inter-group interactions between indigenous people and the Canadian government, the Canadian government expressed their willingness to commitment to partnership in the following manner:

- To work out solutions together beforehand, instead of picking up the pieces after the fact;
- A commitment to negotiate rather than litigate.
- A commitment to communication.
- A commitment to meaningful consultation.
- A commitment to prompt action to address concerns before positions get too polarized to move.

In terms of affirmative efforts the Canadian government went farther than the Bureau of Indian Affairs. While Mr. Gover's speech acknowledged atrocities committed against Native Americans by the BIA and promised they would never occur again, no reparations on behalf of the victims were mentioned. And although Mr. Gover mentioned the BIA making a new commitment to the people and communities that they serve, there was no mention of what this commitment might entail. The Canadian government on the other hand provided \$350 million for a healing fund to address the legacy of physical and sexual abuse at the residential schools.

Furthermore, the Canadian federal government announced a comprehensive framework for actions based on the following objectives:

- First, we will renew the partnership to engage all possible partners and resources so the relationship will be a catalyst to better the lives of Aboriginal people in Canada.
- Second, we will strengthen Aboriginal governance so that communities have the tools to guide their own destiny and to exercise their inherent right of self-government.
- Third, we will design a new fiscal relationship that provides a stable flow of funds in support of transparent and accountable community development.
- Fourth, we will sustain the growth of strong, healthy Aboriginal communities, fuelled by economic development and supported by a solid, basic infrastructure of institutions and services.¹⁹

In addition, the Canadian government proposed:

- A First Nations and Inuit language program to preserve and enhance the use of Aboriginal languages.
- A public education campaign to increase the understanding of all
- Canadians about Aboriginal culture and history; and a capacity-building program to help Aboriginal organizations in the design, development and implementation of initiatives affecting Aboriginal people.

¹⁹ Notes for an Address by the Honourable Jane Stewart, Minister of Indian Affairs and the Northern Development on the occasion of the unveiling of Gathering Strength—Canada's Aboriginal Action Plan Ottawa, Ontario, January 7 1998, accessed March 2, 2001, http://www.inac.gc.ca/nr/spch/1998/98j7_e.html

Material change signifies acceptance and forgiveness on one level and institutional restructuring and the redistribution of the group power: The Canadian government's statement of reconciliation drew a lot of criticism from many indigenous groups for many reasons. First, the title, "Statement of Reconciliation," felt presumptuous by many indigenous people, because it assumed that the Canadian government and Native people had reconciled, which was hardly the case. Only one indigenous group was involved in crafting the document, the Assembly of First Nation, while groups such as the Native Women's Association of Canada were left out. Marilyn Buffalo, President of the aforementioned organization felt that an expression of regret was insufficient as Canada should be charged with genocide for forcible transferring Native children to foster homes and residential schools.²⁰

Another critique of the statement reconciliation was that the statement did not include the word apology. Kenneth Deer expressed this sentiment in the following statement, "Canada's response to the residential school travesty, as detailed by the Royal Commission on Aboriginal Affairs, was not an apology for its actions. Nor was the dollar amount anywhere near what is needed to repair the damage caused by this government's policy. Words are important in any healing process, and Canada failed to deliver. Saying that it is "deeply sorry" and expressing "profound regret" may sound sincere, but the carefully worded statement from Canada avoided the term apology and

²⁰ Bob Watts, Assistant Deputy Minister, Lands and Trusts Services, Indian and Northern Affairs Canada, interview by author, March 6, 2001.

therefore, any legal implication of the use of the word. Therein lies the lack of sincerity.”²¹

The Canadian Alliance in Solidarity with the Native People (CASNP) wrote, “The question is will the apology stop the on-going abusers and cure the social sicknesses of the abusers, the Canadian society? Will it give the Indigenous peoples back their culture, traditions, languages, lands and resources? Will it remove the bad faith between the Canadians and indigenous peoples? Canadians need a great deal of factual education before their children start take on all the misguided Indigenous peoples over the centuries...For a start this means a curriculum developed by Indigenous people placed in every educational institution at every level.”²²

There were also those who felt the expression of regret went too far, one commentator wrote in an editorial, “ The descendants of the Europeans have had the good taste never to demand a thank you from the descendants of the aboriginals. They shouldn’t demand it now. But at the very least they are entitled to refuse and bow and scrape themselves for the sin of having tamed and civilized this inhospitable land.”²³

In the end, the “Gathering Strength” document did not lead to universal acceptance and forgiveness on and did not markedly promote the redistribution of the group power, but

²¹ Kenneth Deer, “Canada Accused of Genocide,” *Montreal Gazette*, February 15, 1998.

²² Canadian Alliance in Solidarity with the Native Peoples (CASNP), “Canada Says “I Apologize”-National Leaders Accept Without Asking the Indigenous People,” March 19, 1998.

²³ David Frum “Natives Should Do the Thanking: the European Settlement of North America Aided their Lifestyle,” *The Financial Post*, January 13, 1998.

some institutional restructuring took place in the form of the four aforementioned comprehensive frameworks for action.

Re-framing

At this stage of healing, the groups commit to anti-subordination, and begin to frame a new story about their relationship.

Example of Re-framing: The Deed of Settlement at Kaikoura, New Zealand

Background: On the November 21, 1997, the Ngai Tahu signed the Deed of Settlement at Kaikoura on 1997, and this led to the passage of the Ngai Tahu Claim Settlement Act on the 29th September 1998. The signing of the Deed of Settlement had been preceded by a land claim through the Waitangi Tribunal in 1991, which stated "The Tribunal cannot avoid the conclusion that in acquiring from Ngai Tahu 34.5 million acres, more than half the land mass of New Zealand, for £14,750 pounds, and leaving them with only 35,757 acres, the Crown acted unconscionably and in repeated breach of the Treaty of Waitangi of 1840. " "As a consequence, Ngai Tahu has suffered grave injustices over more than 140 years. The tribe is clearly entitled to very substantial redress from the Crown". These "grave injustices" based on the "unconscionable theft" by the Crown were the basis of the claim which Ngai Tahu pursued. In the claim the Ngai Tahu also went after stolen land and food sources, fisheries and forests, and even hospitals and

schools which Crown agents had promised would be built and provided every sub-tribe in each area when the land purchases were made.²⁴

Dozens of breaches of the Treaty of Waitangi's provisions are identified in the Waitangi's Tribunal's three separate reports on Ngai Tahu claims. These reports detail clear fraud and theft by the Crown, which deliberately used every available process and loophole to alienate Ngai Tahu from its land and resources, for minimum payment. The Crown's action in taking land and refusing to meet its contract obligation to allocate one-tenth to the sub-tribes, deprived five generations of the tribe of virtually all the land and resources required to survive at anything other than subsistence level. By the early 1900s, fewer than 2,000 Ngai Tahu remained alive in their own land. In 1986, Rakihia Tau filed the Ngai Tahu claims with the Waitangi Tribunal and negotiations between the Crown and Ngai Tahu on the claims began in 1991, after the release of the tribunal's Ngai Tahu land claims report. The assets available for use in any settlement were recognized as Crown-owned assets within the Ngai Tahu tribal boundaries in the South Island, as the Ngai Tahu said no private land or homes should be included in the negotiations. The negotiations which began in 1991 were suspended unilaterally by the Crown in 1994, but the Ngai Tahu then sought and won court orders against the Crown, securing orders to prevent the sale of Crown-owned land and other Crown assets in the South Island. The Court ruled such assets had to be preserved for potential use in any settlement reached between the parties. Following the intervention of the then Prime Minister, Mr. Jim Bolger, negotiations were resumed in 1996. They led to the signing of the aforementioned Deed of Settlement at Kaikoura in 1997.

²⁴Ngai Tahu Claim History, accessed 5/15-2001, <http://www.ngaitahu.iwi.nz/claim.htm>

The Deed of Settlement of Kaikoura addresses acknowledgement, affirmative efforts, material change, and to a certain degree reframing. The Deed Settlement includes an apology from the Crown to the Ngai Tahu in English and Maori versions, and the apology acknowledges the work of and apologizes to the Ngai Tahu ancestors, in addition to the living Ngai Tahu (See **Crown Apology to Ngai Tahu, p. 57**). The apology also lists the various breeches of treaties and agreements by the Crown, and seeks on behalf of all New Zealanders to atone for these acknowledged injustices, and to begin the process of healing and to enter a new age of cooperation with the Ngai Tahu.²⁵

Re-framing: At this stage of healing, the groups commit to anti-subordination, and begin to frame a new story about their relationship. According to Anake Goodall, Claims/Settlement Implementation Manager of the Ngai Tahu, the Deed of Settlement, a 3,500 page document, in addition to reflecting acknowledgment of historical mistreatment and hurt, for about 2,500 pages emphasizes the creation of a new relationship. This relationship represents a new dialogue and perspective where Maoris sit as equals at the table with the Pakeha (European settler descendants).²⁶ He says the emphasis on this new relationship is reflected in language which requires Maori participation on natural resource committees and boards, laws which respect and Maori spirituality with respect to land development, and upholding of aboriginal fishing rights etc. The past several years of negotiation between the Crown and the Maori have

²⁵ Crown apology to Ngai Tahu, accessed May, 17, 2001, [www.geocities.c...ori/crown_apology_to_ngai_tahu.html](http://www.geocities.com/ori/crown_apology_to_ngai_tahu.html)

resulted in new opportunities for Maori, but Mr. Goodall mentions that the burden of consideration, to participate in these opportunities is based on the Maori. He says, "More often than not, we are our worst enemy, and we need to step up to the plate and assume responsibilities equal to those on the other side, and have a wider interest in playing a role in the greater community."²⁷

And although, the Ngai Tahu received a \$200 million settlement from the Crown, Mr. Goodall reports that money does not represent the main component of building a new relationship, rather the legislative changes and the apology do. As a negotiator involved in the drafting of the aforementioned apology, Mr. Goodall states that this document was carefully crafted to confirm the historical perspective of the Ngai Tahu, and to some people it represented the most important component of the Deeds Settlement. Some people said, "That's all we wanted to hear. This has come with a feeling of release and unspoken freedom. We don't have to carry the burden of giving honor to the ancestors of the tribe."²⁸ This allowed people to move energy into creating new songs, and art, etc. Still some people said, "Too little, too late." Finally Mr. Goodall admits that the Deeds Settlement has not resulted in justice for the Ngai Tahu, "This not about justice, but

²⁶ Anake A. M. Goodall, Claim Settlement Implementation Manager of Ngai Tahu, interview by author 5/18-2001.

²⁷ Anake A. M. Goodall, Claim Settlement Implementation Manager of Ngai Tahu, interview by author 5/18-2001.

²⁸ Anake A. M. Goodall, Claim Settlement Implementation Manager of Ngai Tahu, interview by author 2/15-2001.

rather a hand held decision to do the best you can do with all the constraints, and allow the parties to move on.”²⁹

Conclusions of acknowledgment, affirmative efforts, material change and re-framing

The Commonwealth of Virginia General Assembly House Joint Resolution no. 607, Expressing the General Assembly’s regret for Virginia’s experience with eugenics, Kevin Gover’s apology on behalf of the BIA to Native Americans, the Gathering Strength, Canada’s Aboriginal Action Plan, and the Deed of Settlement at Kaikoura, reveal some of the possibilities and problems with interracial healing. Most importantly, while the interracial justice framework reveals that an apology represent important steps to healing, an apology is only one step in a difficult process. If those with power maintain the status quo, no apology will lead to reconciliation. Improving poor relationships require that the perpetrators accept responsibility for their own acts or the act of their predecessor governments and people. Furthermore, perpetrators must recognize and act upon the injustice done, and in some way ask for forgiveness by the victim.

Acknowledgment, affirmative efforts, material change, and re-framing rarely occur in an orderly manner, rather they happen in a messy complex process. However, each of the four dimensions play an important role in the process of interracial healing.³⁰ The Commonwealth of Massachusetts Commission on Indian Affairs (MCIA) can use the

²⁹ Anake A. M. Goodall, Claim Settlement Implementation Manager of Ngai Tahu, interview by author 5/18-2001.

³⁰ Eric K. Yamamoto, Race Apologies, *The Journal of Gender, Race & Justice*, Fall 1997, 9.

four aforementioned principles to analyze efforts at healing and achieving interracial justice for Native Americans.

Challenges to the Commonwealth of Massachusetts Commission on Indian Affairs (MCIA) Commissioners to address the healing of Native American communities

Lack of education materials for MCIA Commissioners to study other efforts at interracial healing:

According to the MCIA Executive Director, Jim Peters, the seven commissioners lack information/education materials on how to approach gestures of ARRR in the context of interracial justice, in order to promote healing within Native American communities in Massachusetts. The Executive Director has therefore requested an educational tool from the author, which will enable MCIA Commissioners “to see the largest picture possible of gestures of ARRR” within a framework that promotes the healing of Native American communities.

The following cases, which face the MCIA, could be examined through Yamamoto’s framework of interracial justice: proposed apology legislation from Massachusetts State Representative Peter Koutoujian, various proposed memorial projects such as the Deer Island and Massachuset Indian Memorial, and unmarked burial disputes. All of these gestures have a strong and explicit moral content, and desires for acts of ARRR’s are implicit in many Massachusetts Native American articulations of what would “make things right” between them and the state, and promote healing.

Other challenges facing the MCIA

Poor Media relations:

Coverage on Native Americans in Massachusetts is often limited to federal recognition = license to game, Thanksgiving protests in Plymouth, and tactics to discredit validity of tribes in Massachusetts. For example, In December of 2000, the Boston Globe embarked on a four day, front page series on Indian gaming and the federal recognition process entitled the *Lure and peril of Indian gaming*. In addition, Sean Murphy, a reporter of the Boston Globe, since January of 2001 has written a series of articles regarding illegal activities of casino investors with the Mohegan Tribe. The following headline belongs to his writing: Law Skirted in Mohegan Deal, Former Overseer Says Investors Got \$1 Billion.³¹ In addition Mr. Murphy covered the Nipmuc's federal recognition in the Boston Globe, where he stated, "The Nipmucs - actually the Hassanamisco band of the tribe - say their ancestors have lived for centuries in Central Massachusetts and northeast Connecticut. They say they are interested in opening a casino, much as the Mohegan and Mashantucket Pequot tribes of Connecticut have done."³² According to the Executive Director of the MCIA, some tribes avoid the media, because of fear of poor press coverage. However, this often results in worse media coverage.

³¹ Sean Murphy, "Law skirted in Mohegan Deal, Former Overseer Says Investors Got One Billion " *Boston Globe*, January 17, 2001, A1.

³² Sean Murphy, "Nipmuc's Become State's Second Recognized Tribe" *Boston Globe*, January 20, Metro/Region, B1.

Education:

Problems in the education system include a lack of inclusion of contemporary Massachusetts Native Americans, and current Native American political structures. Massachusetts Native American studies according to Massachusetts History and Social Science Curriculum Framework's core knowledge of the United States, only covers: "Early America and Americans (Beginnings to 1650), Settlements, Colonies, and Emerging Identity (1600 to 1763)."³³ According to Tobias Vanderhoop, of the Wampanoag Tribe of Gay Head Aquinnah Education Department, this results in students losing an appreciation for understanding modern tribal governments and their government to government with the U.S. and the Commonwealth of Massachusetts. He wishes the education curriculum would place more focus on contemporary Massachusetts Native Americans, and solicit more tribal input into teaching Native American studies.³⁴ As tribal input is often excluded from teaching materials on Massachusetts Indians, old out-dated education materials sometimes reinforces stereotypes and paint an unflattering picture of Native Americans.

According to the Executive Director of the MCIA, Native American mascots at schools also represent stereotypes promoted by the educational system. In one instance where the MCIA complained to a school regarding a half time show which included a scalping ceremony by students dressed in Native American regalia, the response from the principal was that, since there were no Native American students in the school, no harm was done.

³³ History and Social Science Curriculum Framework, Massachusetts Department of Education, 1997.

³⁴ Tobias Vanderhoop, Wampanoag Tribe of Gay Head/Aquinnah, interview by author 4/25-2001.

Goals of interracial justice education tool

The Executive Director of the MCIA has requested an educational tool for the commissioners, which will:

- Allow the MCIA commissioners to improve and redefine the relationship between Native Americans and settler descendants, in a Massachusetts context, and promote healing within Native American communities.
- Provide suggestions on how to improve media image of Massachusetts Native Americans.
- Recommend strategies for improving education with regards to Native American studies in public school system.

Criteria

In order for commissioners to re-frame the state to state relationship between their communities and the Commonwealth of Massachusetts, and promote healing within their own communities the MCIA should be open to and committed to the following activities:

- Collaborating with non-Native American groups
- Establishing contacts with major academic institutions in Boston
- Establishing rapport with journalists who cover Native American issues
- Recommending Massachusetts Native Americans to sit on committees of education, health etc.
- Identifying politicians, wealthy people, and opinion makers, who are supportive of Native American causes.

Nested Analysis

Several issues facing the commission including Massachusetts State Representative Peter Koutoujian's suggestion of the Commonwealth offering of an apology to the tribes of Massachusetts, House Bill 2260 which calls for changing the state flag and motto, and memorials for the victims of Deer Island and the Massachuset tribe fit within the Yamamoto framework of interracial justice. However, as witnessed by the previous examples, predictable patterns of opposition to acknowledgement, affirmative efforts, material change, and re-framing of relationships exist. These patterns of opposition include:

- Limited definitions of "victimage"
- The language of non-responsibility
- Discrediting tactics
- The "let sleeping dogs lie" attitude

Limited definitions of “victimage”: The United States of America and Canada like living, deserving victims, as exemplified in the following statement from an editorial entitled “Natives Should Do the Thanking: The European Settlement of North America Aided Their Lifestyle,” “Two principles should govern public apologies. Apologies are due to only living people. Wrongs are suffered by individuals and restitution can only be made to those individuals. That’s why it was appropriate to apologize to and compensate Japanese-Canadians whose property was seized when they were interned during the Second World War.”³⁵ Yamamoto suggests that Japanese Americans who were interned during World War II, received reparations partly because they were viewed as deserving victims, as members of a model minority, and “deserving super-patriots.”³⁶ In Virginia’s General Assembly’s Resolution 607, regarding Virginia’s experience with eugenics, Raymond Hudlow, a decorated World War II veteran and eugenics victim was touted as a deserving victim. Mr. Hudlow told the author that whenever he was interviewed on television he was asked to wear his medals from the war.³⁷ Although, the Ngai Tahu faced similar opposition in having the apology from the Crown to the Ngai Tahu include language on apologies to the ancestors, according to Mr. Goodall, the Ngai Tahu stood their ground in the negotiating with the Crown over the language.

³⁵ David Frum, “Natives Should Do the Thanking: The European Settlement of North America Aided Their Lifestyle,” *The Financial Post*, January 13, 2001, Editorial Section.

³⁶ Eric K. Yamamoto, “Racial Reparations: Japanese American Redress and African American Claims,” *Boston College Law School Boston College Law Review*, December 1998.

The language of non-responsibility: Why should I be blamed for my ancestors?

As reflected in the previously mentioned examples analyzed in Yamamoto's framework of interracial justice, the language of non-responsibility represents a consistent pattern of opposition. When the Ngai Tahu were negotiating over the inclusion of an apology to the ancestors in the New Zealand Crown's apology, several settler descendants said, "Why are we being blamed for the sins of our ancestors?" The Ngai Tahu pointed to the fact that they weren't blaming current settler descendants for the suffering of the ancestors, but rather the Crown represented the continuum of the institution, which had mistreated the ancestors.³⁸

However, the language on non-responsibility is also applied by living people who in certain positions have functioned as oppressors. In South Africa, for example, to many people F.W De Klerk's testimony in the Truth and Reconciliation Commission, represented another chorus of that universal song, "I'm sorry, but it wasn't my fault, and everybody else was doing it, and we weren't the only bad guys, and they were worse."³⁹

Discrediting tactics: In Canada there were attempts in media to undermine the goals of the healing fund by casting doubt on the individuals who had been sexually abused in residential schools.⁴⁰ In Massachusetts there are attempts to delegitimize indigenous people to Massachusetts as Native American by the media. For example, Ellen Barry of

³⁷ Raymond Hudlow, interview by author, April 8, 2001.

³⁸ Anake A. M. Goodall, Claim Settlement Implementation Manager of Ngai Tahu, interview by author 5/18-2001.

³⁹ Linda Goyette, "Leadership Is Knowing When To Say You're Wrong," *Montreal Gazette*, Aug 23, 1996, B5.

⁴⁰ Bob Watts, Assistant Deputy Minister, Lands and Trusts Services, Indian and Northern Affairs Canada, interview by author, March 6, 2001.

the Boston Globe, in the “Lure and Peril of Indian Gaming” series, wrote an article entitled, “It’s a War of Genealogies: Recognition is a contentious process.”

In this article she discredits tribal legitimacy of Massachusetts Native Americans by in reference to the federal recognition process with regards to New England Native Americans, stating, “In fact, there is both reason to doubt the tribes in this region, and reason to give them the benefit of the doubt.”⁴¹ Ms. Barry also states, “In the meantime, tribes face an epidemic of doubt that they are who they say they are. It’s a historical challenge as threatening to tribes as Holocaust denial, but as logical to outsiders as checking a drivers’ license at a liquor store.”⁴² According to Mr. Goodall, the opposition in their negotiations pointed to the fact that many Maori’s had intermarried and therefore could not have any claims. The argument of, “Over my dead body will I give up any land to these people who call themselves Maori. There’s not a full blood Maori left!”⁴³

The “let sleeping dogs lie” attitude: According to VA Del. Van Yahres who spearheaded Virginia’s expression of regret over the state’s role in the eugenics movement, several opponents felt that bringing up eugenics would “just stir up trouble” and it would be better to let things lie.⁴⁴ This attitude was also voiced by opponents to the Crowns

⁴¹ Ellen Barry, “It’s a War Over Genealogies: Recognition is a Contentious Process, *Boston Globe*, 12/12/2000.

⁴² Ellen Barry, “It’s a War Over Genealogies: Recognition is a Contentious Process, *Boston Globe*, 12/12/2000.

⁴³ Anake A. M. Goodall, Claim Settlement Implementation Manager of Ngai Tahu, interview by author 2/15-2001.

⁴⁴ Del. Mitch Van Yahres, D-Charlottesville, interview by author, 4/20-2001

apology to the Ngai Tahu, and the Canada's expression of regret over past mistreatment of Aboriginal Canadians.

Strategies to counter predictable patterns of opposition

Strategies which the MCIAC can employ to advance Yamamoto's principles of interracial justice within a Massachusetts context, but also improve media relations and Native American studies within the public school system include:

- Finding a "smoking gun" issue that resonates with white middle class community
- Cultivating alliances -- scholars, educators, journalists, politicians, other communities & activists
- Developing talking points around "smoking gun" issues (historical events, putting talking points to use)

Finding a "smoking gun" issue that resonates with white middle class community:

Smoking gun relates to an emotionally and politically charged issue which draws an immediate visceral reaction from people. For example, when Peter Hardin, a journalist with the Richmond Times Dispatch reported that Virginia's involvement of the forced sterilization of 8000 people, would be included in a 2004 exhibit at the Holocaust Museum in Washington DC, this put more pressure on the Virginia legislature to formulate an expression of regret for the suffering caused by the eugenics movement.

According to Phil Theisen, President of the Lynchburg Depressive Disorders Association, his sending of Mr. Hardin's article to all Virginia legislators, prompted Del. Van Yahres

to sponsor the resolution.⁴⁵ In Canada, the sexual abuse that had taken place in the residential schools provided incentive for the country to make an expression of regret towards the victims of the residential schools. In New Zealand, treaty violations cited in the 1991 Waitangi Tribunal provided fuel for an apology and certain statutory rights.

In Massachusetts, issues surrounding federal recognition/gaming and Thanksgiving protests in Plymouth represent smoking guns. According to Anne Barnard, a journalist at the Boston Globe, federal recognition and gaming represent emotionally charged issues because they challenge the notion of what it means to be an American. Federally recognized tribes have 'special' privileges not afforded other Americans, which forces Americans to confront what is unique about the status of indigenous people in this country. Furthermore, federal recognition also brings up fears regarding native land title.⁴⁶

It's important to recognize however, that not all smoking gun issues have to resonate with the majority community in order to have an effect, that facilitates advancing of agendas, but there is definitely a role for creating tensions, as exemplified by the 1997 Thanksgiving protest. Following 27 years of protests in Plymouth, a protest which turned violent where protesters were beaten by police, led to a US\$135,000 settlement with the town of Plymouth. The funding was earmarked to Indian education programs and two monuments. One plaque reads in part: "Native Americans do not celebrate the arrival of

⁴⁵ Phil Theisen, President, Lynchburg Depressive Disorders Association, interview by author, April 6, 2001.

⁴⁶ Reporter Anne Barnard of Boston Globe, interview by author, 4/26-2001.

the Pilgrims and other European settlers. To them Thanksgiving Day is a reminder of the genocide of the millions of their people, the theft of their land, and the relentless assault on their culture.”⁴⁷

Subsequently, the genocide word is used in a public monument, at one of Massachusetts leading tourist attractions. The Plymouth protests demonstrate the importance of “pushing the envelope” by being in people’s faces. This strategy was also emphasized by Mr. Goodall who underscored the importance of Maori taking to the streets and protesting injustices while other Maori were negotiating solutions over treaty violations by the Crown. Mr. Goodall said you need both approaches.⁴⁸

Cultivating alliances – scholars, educators, journalists, politicians, other

communities & activists: The Virginia General Assembly’s expression of regret for the state’s experience with eugenics, following a newspaper article, which mentioned Virginia’s feature in the Holocaust Museum shows the importance of having a good journalist on one’s side. Therefore, the MCIAC should build relationships with journalists who cover Native American topics. Anne Barnard, a reporter of the Boston Globe, recommends that MCIAC commissioners call journalists up, and meet with them to build relationships.⁴⁹ (See appendix 4 for journalists who have covered Native American issues in Massachusetts, p. 47). (See **Baltimore Sun Article on Baltimore American**

⁴⁷ Marcella Bombardieri “Native Americans Mark Day of Mourning in a Peaceful Protest. Plaque Dedication Counterpoints Day of Celebration,” *Boston Globe*, Metro Region B2, November 26, 1999.

⁴⁸ Anake A. M. Goodall, Claim Settlement Implementation Manager of Ngai Tahu, interview by author 2/15-2001.

⁴⁹ Reporter Anne Barnard of Boston Globe, interview by author, 4/26-2001

Indian Center Director Milton Hunt, for example of coverage of Urban Native American organization, p. 66).

According to the 2000 census, with the option of checking more than one racial/ethnic category, the Native American population of Massachusetts equaled 38,050 individuals, or about 0.6% of the population of Massachusetts. Unlike New Zealand and Canada where the Maori and Aboriginal populations make up 13% and 3% respectively, the small population of Massachusetts, makes efforts by this community to single-handedly change policies affecting Native Americans extremely difficult. Therefore, partnerships with other groups remain essential to promote change.

In the Virginia eugenics case, the Disabled Action Committee, Lynchburg Depressive Disorder Association, and Veterans' organizations collaborated to pressure politicians into passing a statement of regret.⁵⁰ A group, which Native Americans in Massachusetts might consider collaborating with includes: National Association for the Advancement of Colored People (the NAACP). This organization represents the oldest, largest and strongest civil rights organization in the United States. The principal objective of the NAACP is to ensure the political, educational, social and economic equality of minority group citizens of the United States.⁵¹ According to Hilary O. Shelton, Director of the NAACP Washington Bureau, the NAACP and groups such as the Native American Rights Fund and Friends of the National Congress of American Indians have a long history of collaboration. In addition all three organization sit on the Leadership

⁵⁰ Phil Theisen, President of Lynchburg Depressive Disorders Association Inc., interview by author 4/6-2001.

Conference of Civil Rights. Examples of joint efforts, include: working on a the world conference in racism held in Durban in September of 2001, pursuing election and education reform, advocating for less racial profiling, supporting the health care fairness act, and collaborating on the Native American Free Exercise of Religion Act.⁵²

The NAACP currently supports a commission to evaluate H.R. 40, a bill introduced on January 6, 1999 by Rep. John Jr. Conyers (D-Mich.). The bill is "to acknowledge the fundamental injustice, cruelty, brutality, and inhumanity of slavery in the United States and the thirteen American colonies between 1619 and 1865, and to establish a commission to examine the institution of slavery, subsequently de jure and de facto racial and economic discrimination against African-Americans, and the impact of these forces on living African-Americans, to make recommendations to the Congress on appropriate remedies, and for other purposes."⁵³ As Native Americans from Massachusetts were also victims of slavery Mr. Shelton says he would be willing to introduce members from tribal communities in Massachusetts to the NCOBRA organization, a main proponent of slavery reparations, in order to broaden the debate and include Native Americans.

Facing History, and Ourselves, a national educational and teacher training organization whose mission is to engage students of diverse backgrounds in an examination of racism, prejudice and anti-Semitism in order to promote the development of a more humane and informed citizenry, believes that by studying the historical development and

⁵¹ NAACP homepage, www.naacp.org/about.asp

⁵² Hilary O. Shelton, Director of the NAACP Washington Bureau, interview by author, May 21, 2001.

⁵³ NCOBRA Movement and HR 40, accessed on 5/22-200,1 www.loc.gov/bicentennial/propage/MI/mi-14_h_conyers4.html

lessons of the Holocaust and other examples of genocide, students make the essential connection between history and the moral choices they confront in their own lives⁵⁴ (See **Facing History and Ourselves**, p.68). According to Adam Strom, Program Associate of the Brookline Office of Facing History, and Ourselves, the organization would be interested in working with local Native American communities to explore themes from the mission statement of the organization, in a local setting. Mr. Strom cites an interest in using the Plimoth Plantation exhibit, "Irreconcilable Differences," as a teaching tool. The program has featured films on the experience of Native Americans in boarding schools, land disputes, and reservation life.⁵⁵

The mission of the American Civil Liberties Union (ACLU) is to fight civil liberties violations. Locally, the organization has a long history of supporting Native Americans whose civil liberties have been violated. Should the advancing of an interracial justice framework for the MCIJA include civil liberties violations, then the MCIJA should consider collaborating with the ACLU. According to John Roberts, Executive Director of the ACLU Massachusetts, the ACLU was unsuccessfully involved in trying to have the Attorney General of Massachusetts to re-open the wrongful death of 27 year old Mashpee Wampanoag David Hendricks. Mr. Hendricks was shot to death by a police officer following a high speed chase in Mashpee, in 1988. Furthermore, the ACLU was heavily involved in representing protesters who were arrested in the Plymouth National Day of Morning Protest in 1997, and in the negotiation of the US\$135,000 settlement, which the

⁵⁴ Facing History and Ourselves, accessed 5/22-2001, www.superstation.com/survivors/FHO.html

⁵⁵ Adam Strom, Program Associate, Facing History and Ourselves, interview by author, 5/22-2001.

United American Indians of New England received educational purposes and two plaques in Plymouth.⁵⁶ One of the plaques mentions that genocide was committed against Native Americans.

The Colonial Society of Massachusetts, which the Old Sturbridge Village co-sponsored a conference entitled “Reinterpreting New England Indians and the Colonial Experience,” represents another potential partner for the MCIA in promoting gestures of ARRR. The conference, held in Sturbridge, Massachusetts, featured panels with academicians from all over the U.S. as well as local oral historians, who addressed a wide variety surrounding the historical role of Native Americans in New England (See **Reinterpreting New England Indians and the Colonial Experience, p. 70**).

In addition, the MCIA should continue to work with educators in the public school system, and identify individuals on the Massachusetts Board of Education (MBE) with interests in Native American issues. The 1997 *History and Social Sciences curriculum framework* draws upon the work of others, including the Bradley Commission, several national standard documents, and frameworks from California, Virginia, and other states. It incorporates research suggestions, and ideas of educators, parents, and other concerned citizens from across the state.⁵⁷ An example of education reform which the MCIA could present to pro-education politicians or the MBE, could be a Massachusetts version of California’s Senate Bill 41 (See **California Senate Bill 41, p. 49**). Daniel Delaney,

⁵⁶ John Roberts, Executive Director, ACLU, Massachusetts, Interview by author, May 21, 2001.

⁵⁷ History and Social Science Curriculum Framework, Massachusetts Department of Education, 1997.

Legislative Aide of State Representative Peter Koutoujian recommends that districts with Native American constituents approach their State Representative, in addition to the MBE, with a proposal for changing the curriculum.

For example, Mr. Delaney suggests that Native American constituents inform their Representatives of the history, i.e. is there similar legislation in other states and what happened to it, in addition to the language they are proposing. In the case the MCIA is interested in supporting a bill similar to California Senate Bill 41, Mr. Delaney suggests that Native American constituents forward a copy of the bill to their representatives and as if they would consider sponsoring similar legislation. He also suggests that the constituents present their ideas to both State Representatives and the MBE, even though, the legislature makes the final decision. This serves to maintain good relations with the MBE. In addition, he suggests Native Americans “shop around” for Harvard experts when the time for testifying at a hearing to support the bill, comes around kind

A formalized agreement between the MCIA and one of Boston’s graduate schools of education could allow for a graduate student to works on this project at no cost to the MCIA. Current initiatives such as Native American cultural events at New England Aquarium, Children’s museum, Plimoth Plantation, and the Sturbridge conference, should have the support of the MCIA, as they stimulate the creation of talking points

Developing talking points around historical events:

Conferences such as the one held in Sturbridge, represent opportunities where Native and non-Native historians can clarify the historical record and can yield educational talking points. These talking points can be used for educational purposes such as curriculum development in schools, but also provide added insight into monument efforts. Canada in the form of the Gathering Strength Document, New Zealand in the form of the Waitangi Tribunal, and South Africa in the form of the Truth and Reconciliation Commission, have clarified the historical record through the aforementioned organizations. Currently the NAACP is currently pursuing the creation of a commission established for the purpose of evaluating slavery reparations for African Americans.

Continuing with a follow-up conference to the "Reinterpreting New England Indians and the Colonial Experience" the MCIA can initiate the founding of a group of Massachusetts Native Americans and non-Natives who convene for the express purpose of evaluating the current position of Native Americans in Massachusetts in a historical context. As few politicians attended the conference, some recommendations from the conference, such as, improving the Native American studies curriculum, or a discussion on the special legal status of Native Americans, can serve as education tools at the state house for the benefit of politicians. For example, the MCIA could ask the judiciary committee of the state to sponsor a state/tribal relations meeting, which was done by the Connecticut judiciary committee to create a dialogue between the Mashantucket Pequots, and Connecticut.

Furthermore, according to Daniel Delaney, Legislative Aide for State Representative Peter Koutoujian, the MCIA could rent a room in the state house and host an event dealing with any of the aforementioned topics. The MCIA could then invite some of the

panelists from the Sturbridge Conference (both academicians and oral historians) and State Representatives from districts with Native American constituents to speak to these issues.⁵⁸ The MCIA might consider sponsoring a Day of Recognition of Native Americans in Massachusetts, inviting a large group of State Representatives, and Caucuses such as the Progressive, Children's, and Black Caucuses. According to Mr. Delaney, the aforementioned caucuses have parallel interests with Native American communities in Massachusetts. Following this meeting, the MCIA could obtain a mailing list of State Reps and tease out those with an affinity for Native American issues, and start on-going relationships between the MCIA and the state Representatives.

Mr. Delaney points out the importance for the existence of an honoring component to any event hosted by the MCIA in the state house by relaying the following example. At the 2001 a ceremony held in the Massachusetts State House, acknowledging the Armenian genocide, the Armenian community of Boston officially thanked France for recognizing the events in Armenia as genocide, and invited the General of Council as the key note speaker. In addition, people active in Armenian community, received citations for their hard work and dedication. Thus, although the memorial commemorated a tragic event, it had an honoring component to it.⁵⁹

⁵⁸ Daniel Delaney, Legislative Aide, Massachusetts State Representative Peter Koutoujian, interview by author, May 21, 2001.

⁵⁹ Daniel Delaney, Legislative Aide, Massachusetts State Representative Peter Koutoujian, interview by author, May 21, 2001.

Implementation

The seven commissioners of the MCIA will undertake a two-hour training on *Re-framing the issues, the path towards healing of Native American communities in Massachusetts*, on June 4, 2001, taught by the authors. The workshop will be based on material from this report. Based on feedback from the session, the author will modify the teaching tool.

Approaching issues surrounding interracial justice and healing for Native American communities takes lifetimes. The commissioners will bring this information back to their communities, and by community consensus will tackle gestures of Apologies, Recognition, Reparations, and Reconciliation in Massachusetts.