

General allegation

118th session (13–22 May 2019)

United States of America

7. The Working Group received information from credible sources alleging difficulties encountered to implement the Declaration on the Protection of All Person from Enforced Disappearance in the United States of America.

8. According to the information received, American Indian and Alaska Native children were forcibly abducted from their homes by government officials, and taken to Christian boarding schools. The children would sometimes not return home for years, or not return home at all. The sources have also alleged that the children's families have not been able to obtain information from government authorities as to the fate or whereabouts of their loved ones.

9. The alleged disappearances would have occurred in the context of the application of education policies including the Federal Indian Boarding School Act adopted in the 1800s and applied through the 1960s. In this way, the economic and social underpinnings of Native American cultures were reportedly eroded through the purposeful forcible removals of Indigenous children from their family homes.

10. The sources pointed out that children removed to boarding schools under mandate of United States law were subject to malnourishment, overcrowding, compulsory and free labor, substandard living conditions, physical abuses, emotional abuses, sexual abuses, disease, lack of access to medical care, widespread epidemics and death.

11. Furthermore, the sources have reported that Indian boarding schools utilized an "outing" program during the summer, a program in which children, rather than being sent back to their homes, were involuntarily leased out to white homes, farms or factories, as menial labor. Many children reportedly died in the process and some of these individuals were neither returned to their families, nor the school.

12. The sources identified several obstacles to the implementation of the Declaration on the Protection of All Person from Enforced Disappearance. They pointed out the challenges to the identification of particular cases of individuals whose fate remains unknown.

13. It was reported that there is no cooperation from the federal government, which makes it difficult, if not impossible, to qualify the impacts of the boarding school policy and its ongoing effects on the economic, social and cultural rights of Indigenous Peoples in the United States; and to determine the fate and location of the remains of individual students who disappeared, died in custody, in school, in the outing programs, and/or never returned home. There is no data which provide definitive documentation of the Indigenous students' identification and the number of them that attended or the number who died or disappeared while in, boarding schools under government supervision.

14. According to the sources, information about the fate of individual children is difficult for family members or Tribal governments and communities to acquire for a variety of reasons.

15. Research conducted to locate the burial locations of these children required consulting school records, state death certificates and cemetery records. However, the sources reported that these records were inconsistent or difficult to obtain. Moreover, it was reported that schools often did not notify the death or disappearance of the children to their families and buried them without their parent's knowledge.

16. The sources reported that the Indigenous students were often buried in unmarked or unidentified graves, especially if they died on "outings" from the schools. Some schools' cemeteries became parks and graves were erased.

17. The sources have identified non-exhaustive examples of missing children – having deserted, sent home, or died – whose disappearances have not been notified to their families by the school’s administrators and whose fate and whereabouts are unknown.

18. Among the reported cases, the sources referred to the case of Robert Johnson, who attended Chemawa Indian School and ran away in 1924; Demetrio Apodaca (Unknown Pueblo) who attended to Haskell and was reported missing in 1909; Reginalda Guassac and Antonio Ardilla who attended Sherman Institute and died in 1910 and in 1914 but do not appear to be buried in Sherman Institute’s cemetery; Mabel Green (DOB 1900) enrolled at Sherman and who disappeared in 1919 and whose Sherman’s student files make no further mention of her; Isabel [Isabelle] Brown sent to Soboba Sanitarium in 1927 but whose fate is unknown; Claudia Williams (Seneca) enrolled at Carlisle Indian Industrial School in 1908 who was placed into the outing home of J.C. Beatty in Beverly, NJ in 1909 and disappeared from the home in 1911; David Steele [Thief] enrolled at Carlisle in 1913 who deserted for a second time in 1914, whose disappearance was not notified to his family; and Kininnok Mary, a student below 18 at the moment of the disappearance, who attended at Carlisle whose whereabouts or remains’ location is unknown.

19. Taking into consideration the lack of data on the fate of individual children who disappeared as well as the ongoing research efforts and the discovery of increasing numbers of unmarked graves near former schools, the sources expressed deep concerns about how many children died as a result of the United States Indian Boarding School Policy and still have not been acknowledged, documented or addressed by the United States government.

20. The sources indicate that the families of the disappeared suffer severe trauma as a result of the enforced disappearance of their loved ones. These damages experienced among the targeted Indigenous peoples continue to reverberate in those communities as a result of the impact of historical and inter-generational trauma with no apparent plan by the United States for treatment to stem the continuing traumatic response.