

# Washington State Truth and Reconciliation

Personal Perspective – Deb Cruz

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**Basic Acknowledgements or Assumptions.** Since I have not been involved in the initial discussion of creating this movement, below are some basic assumptions that I, personally, need to start with. I beg your forgiveness and forbearance as I'm sure some of these have already considered; however, I need to reiterate them to be sure certain points have not been left out.

- **Reconciliation Within.** A Statewide reconciliation process will be weakened or short-lived unless the core groups working on this process have achieved a deeper baseline of reconciliation amongst themselves. Core group members should have some kind of first-hand orientation to the issues of Indigenous communities. This should include an orientation overview of the:
  - White privilege and its impacts on issues and peoples in Indian Country
  - fundamentals of the issues involved,
  - how the issues impact non-indigenous and indigenous communities,
  - fundamentals of adversity (trauma) on indigenous communities,
  - goals that are desired to achieved,
  - fundamentals of different avenues as means of healing needed and
  - identifying and dismantling the system(s) responsible

This will be an ongoing process for each group and for each individual that is brought into the fold of what is, hoped to be, accomplished. It's important to ensure that everyone participating is working from the same foundation.

- **Long-term Commitment.** Documented European contact with indigenous cultures began nearly 600 years ago. That means there have been nearly 6 centuries of abuse, neglect, assimilation, genocide, racism, paternalism, colonization, and a whole myriad of other words and actions to describe the inequitable interaction between white/western invaders and indigenous communities. These interactions have been built into our all our governmental (legislative and judicial, etc.) and social institutions (education, culture, etc.). They will not be easily destroyed, disassembled, repaired or healed overnight. We need to be committed to the next several years in order to build the space, the safety, the trust, the ownership and the forgiveness before we can move forward.
- **Two prong-approaches.** To initiate a Truth and Reconciliation movement there will have to be two major action prongs.
  - One prong will need to be within the Washington State Tribes and Nations. Washington State Tribes and Nations will need to be approached to get "official" endorsement and commitment, at some level. Without substantial participation from the Indian Community in Washington State, any movement will have difficulty being taken seriously by legislative or influential social groups unless Tribal clout can be put behind it.

Also, support by the Tribes and Nations will aid a pathway for the non-Indian community to participate. If the non-Indian community doesn't see the Tribal support for the movement, there will be hesitancy and appropriateness on their part for involving themselves in issues of Indian country that may not be seen desired by the Indian community itself.

It will also be important to have Tribal leadership, experience and skill, in whatever capacity it is offered, in order to develop appropriate strategies for healing or means of addressing the issues faced by indigenous communities.

We will have to address the issues of federally recognized, state recognized and unrecognized Tribes and Nations.

- The other prong will be among the various allies and partner that we can request support and assistance from in helping the Tribes and Nations move this forward on the ground and in the halls of power. Alliances and partnerships will need to be forged with various grassroots groups including those engaged in social justice and human/civil rights, faith communities, environment and climate justice issues, student organizations and other concerned citizen groups.

While there are many groups who are not able to participate on any kind of legal level (because of their charitable status with the State and Federal government), they do have the ability to wield considerable power and influence nonetheless in other arenas.

It will be necessary to have movement inside and outside Indian Country. There will be things that can be accomplished in both the short- and long-term by both groups.

- **Two Shifts.** There are two shifts that need to be occurring, each having their own foundation, goals and pathways. Both shifts will require the in-depth examination and identification of white privilege and power systems, what harm has been caused and how do we effectively dismantle these systems on an individual level, within a local community, as a regional community and where resources are available on a national and international level.
  - One will need to be a shift in legal and legal-related thought. This will encompass initiating change at the various levels of our legislative and judicial bodies. It will mean engaging our towns, cities, counties and ultimately the State Legislature and the courts. Here we need to be working to create a shift within our legal and political language and culture. Ordinances, regulations, laws and judicial reviews and decisions will need to be reviewed, considered and modified to support and reflect the reconciliation movement.
  - One will need to be a shift in our cultural or social foundation. This shift will involve all those things that we can do to shift our culture to include the goals of the reconciliation movement. The shift should be, whether legislated or not, reflected in our educational processes, our attitudes and practices towards restoration and preservation of our natural resources, to our diversity and inclusion practices, to fundamental

acknowledgement of Tribes/Nations and their history and rightful place in contemporary society, to naming streets and designating holidays and other honoring practices, and many more that I'm sure others can think of.

- **Legislative Reality.**

- **People.** To legislate a Truth and Reconciliation movement will require a unified effort from all parts of our State's constituency. Current legislative reality dictates that we form the necessary grassroots coalitions that can apply ample force behind the creation, development, funding, and maintenance of a Truth and Reconciliation Commission or other Truth and Reconciliation goals. We will need to demonstrate current cooperation and collaboration with tribal representatives, faith groups, education groups, legal groups, justice organizations, etc.
- **Documentation.** State legislators will not be likely to take a concept and create an initiative or legislative proposal without substantial backing from credible, State citizen groups and individuals and significant preliminary documentation and information to justify and argue the necessity and the spiritual and moral imperatives. Allied legislators will need substantial support documentation to get the Commission concept through the various committees and onto the floor for vote.
- **More than one approach.** In the event that we are unable to engage the idea of Truth and Reconciliation through our legislators, it would be necessary then to consider it a grassroots ballot initiative, going through the same process as we recently went through with i1631. This will involve educating our State's citizenry, collecting signatures, campaigning for the initiative and the voting process.

Even then, with a potential failure of a community, grassroots legislative initiative, there are still the justifications and means for creating the Truth and Reconciliation movement on a local level within a town, city or county, or even the State (just not legislatively) but on a socio-cultural level outside the legal sphere of influence.

Whether working through our legislators, through a citizen's initiative or through socio-cultural pathways, the Truth and Reconciliation process will not be easy. Nor will any of them be merely short-range goals. These processes will require substantial researching, documenting, networking, educating, funding and community support efforts. They will take time and sufficient resources to keep them sustained for as long as it takes.

**Examples of Focus Areas for Truth and Reconciliation.** Regardless whether we aim for a State-established and -appointed Commission or not, we will need to develop focus groups who can help organize and qualify information, guide research, facilitate and develop networks, mobilize volunteers, plan events, etc.

Basic steps or priorities for Focus Groups includes, but is not limited to:

- Description. Describe and define focus area and its scope and its various aspects (this may be revised over time as new and more in-depth information becomes available),
- Aspects and intersecting issues. Identify its intersection with other focus areas (e.g. Indian Health and Food Sovereignty, Indian Child Welfare and Substance Abuse, etc.),
- Authorities. Identify authorities both organization and within law and regulatory processes (e.g. Dept. of Health, Treaties, Dept. of Interior, WA Dept. of Ecology, Tribal Courts, federal law, etc.) for all focus area aspects.
- Community Support. Identify other community organizations engaged with focus area or with any of its aspects or intersecting areas.
- Source Documentation. Compile credible source documentation, researching, developing and providing reports including of focus area including but not limited to: historical background, legal, social, environmental, cultural, contemporary issues/challenges etc. This will be an extensive listing that will be built by interaction with professionals in the field and with the depth of review of the issue.
- Oppressive structures. Identify specifically those systems of oppression and detail the negative impacts on Tribal individuals, families and communities and
- Reconciliation Recommendations. Propose short- and long-term reconciliation recommendations

Focus Areas (Examples). The following are some examples. The list of focus areas could be expanded upon depending on what resources are available to address them.

#### **Focus Group #1: What is Truth and Reconciliation.**

- Description. This can be a stand-alone work group or may even be a preliminary work group before proceeding onto other focus areas that will develop aspects that will necessarily be incorporated into the individual focus areas. This explains what Truth is. It explains what Reconciliation means. It is an overview of the history of US and Indigenous relations and the impacts those relations have had on Indian Country and how those impacts are manifesting themselves into the myriad of challenges that indigenous communities are grappling with.
- Aspects and intersecting issues. Reconciliation focus points should not only focus only on children having been removed from their families, but should include the whole gamut of attitudes and practices that have served to undermine and/or destroy indigenous worldviews, histories, cultures, etc. Focus areas should include but not be limited to natural resources (land, water, air, wildlife), health and mental health, education, accurate history, contributions, law and the judiciary, racism, genocide, Treaties and sovereignty, historical and current experiences, trauma, economic injustice, federal oversight of daily living issues, cultural appropriation, repatriation, invisibility within the greater community, loss of cultural resources, environmental degradation and climate change, etc.
- Authorities. Identify and review reference documents relevant to truth and reconciliation for indigenous peoples, including but not limited to: United Nations Declaration on the Rights of Indigenous People, Proclamation 8947, Maine Truth and Reconciliation Commission and Report, Centennial Accord, Point Elliot Treaty, the Constitution of the United States, the Truth and Reconciliation Mandate of Canada, Jay's

Treaty, and Docket No. 110 1,3,6,9,11,12,13,14,15. Many more references could be easily added for additional support and justification.

- Community Support. Might include any Washington State agencies that work directly or indirectly with the Tribes or on Tribal Issues (e.g. Ecology, DAHP, DOH, DSHS, DNR, Aging, Arts Commission, DFW, Education, etc.), legislators, municipal leaders, teachers and teacher associations, county health professionals, environmental groups, social justice groups, faith community representatives, university students and faculty, Federal agencies that work directly or indirectly with the Tribes or on Tribal Issues, attorneys, judicial personnel, law enforcement personnel, Canadian Truth and Reconciliation networks, etc.
- Source Documentation. If this focus group is laying the foundation for future specific focus groups, an overview of what the focus groups should cover would be necessary along with the development of some foundational authorities, networking references, etc.
- Oppressive Structures. Isolation and invisibility of Tribes from greater community, lack of knowledge of Tribal place and experience, racism, economic inequity, federal and state oversight of resources, etc.
- Reconciliation Recommendations. Could include establishing and prioritizing special focus groups and priorities that would function with or without State support. Laying the foundational work for creating a Truth and Reconciliation Commission at state level through legislation. Engagement in more organizational functions such as beginning networking for focus groups, compiling and organizing information (including data and material storage), creating reports, looking for funding opportunities, requesting assistance from Tribes and Nations, Universities, State and Federal agencies, etc.

### **Focus Group #2: Indian Family and Child Welfare.**

- Description. Indian Family and Child Welfare might be described and defined as the relationships among families and authorities and the ability to succeed in within Tribal culture and dominant society. Definitions might also include the role of the single parent homes, LGBTQA+ homes, indigenous extended family, Tribal foster homes, etc.
- Aspects and intersecting issues. Might include family/domestic violence, residential/boarding schools, economic inequity, public schools roles, parental due process for rights over children, foster care/adoption, urban vs. reservation issues, tribal membership impact on opportunities, mental health issues, substance abuse, law enforcement, family courts, etc. (From the Proclamation) Document the impact of trans-boundary family separation through collaboration with the Canadian government and First Nations in British Columbia including travel access, international legal issues etc.
- Authorities. Might include DSHS, Indian Child Welfare Act (federal and State), Jay Treaty, Tribal family courts and representatives, State family courts and representatives, border patrol and customs, child protective services agencies, trial expert witnesses, Indian Family Violence Prevention Act, Treaties, case precedents, official archival documentation of boarding/residential schools, State unemployment and labor agencies, Canadian Truth and Reconciliation representatives, etc.

- Community Support. Might include National Indian Child Welfare Association or Tribal health and social organizations. Sources might include “Working With American Indian Children and Families” (<https://www.childwelfare.gov/topics/systemwide/diverse-populations/americanindian/>) or legal compilations by the Native American Rights Fund. Also concerned individuals including court personnel, law enforcement, teachers, attorneys (especially with ICWA background), social workers, expert witnesses, child development organizations, etc.
- Source Documentation. Might include statistical reports on Indian children in the foster system, domestic violence cases reported and then prosecuted, dropout rates for Indian children in the primary education system, causes and suicide rates of Indian youth, academic and professional studies, racial statistics, statistical data on abuse and neglect, trauma studies, substance abuse statistics and reports, etc. Reports could be obtained globally, nationally and locally.
- Oppressive Structures. Government to government relationship over family relationships, complexity of federal versus State versus Tribal family court systems and processes. Foster care system in general and as a source for white supremacy and domination. Economic inequity in access to due process for Tribes and members. Current court trends to weaken protective family laws and regulations.
- Recommendations might include reviewing at what services are currently available to assist families in poverty, or with domestic violence and substance abuse both within the Tribe and through State and federal programs. Determine if and how ICWA is being appropriately or adequately invoked within the system. Determine barriers to Tribes and indigenous communities ability and access to representation within the court system to protect families and children. Training for child and family attorneys, agency family professionals and judicial and law enforcement officials on ICWA, history of boarding/residential schools, intergenerational trauma. Determine youth support programs for children at risk and those already in the system. Determine programs and avenues for Tribes to maintain contact with children in the system. Determine barriers and support system for indigenous families to be foster care.

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**Focus Group #3: Food Sovereignty.**

- Description. Food sovereignty is currently defined as the “right of peoples to healthy and culturally appropriate food produced through ecologically sound and sustainable methods, and their right to define their own food and agriculture systems.”
- Aspects and intersecting issues. Might include identifying traditional food sources and their nutritional and medicinal values, land or water requirements for the nurturing of traditional foods, cultivating and harvesting techniques, traditional processing for preservation and storage, distribution to the community, cultural and spiritual places, spaces and roles, means of passing the knowledge on (historical and contemporary), what happens when traditional food processes are disrupted, legal implications or protections, etc. Intersecting issues might include the environmental factors (e.g. pollution, climate change, etc.), nutritional and medicinal impacts on over health and wellness related issues, economic realities and potentials (e.g. jobs, Tribal sources of income), legal implications (e.g. Treaty rights, court decisions), etc. Federal and state oversight issues over land, air and water.

- Authorities might include specific provisions of Treaties, legal precedents, Tribal cultural departments and programs, State and federal regulatory systems,
- Community Support. Might include Indigenous Food Systems Network, Food Secure Canada, Evergreen State College, Indigenous Environmental Network, NW Tribal Food Sovereignty Coalition, Northwest Indian College, Muckleshoot Food Sovereignty Project, Native Systems Foods Resource Center, University of Washington, The U.S. Food Sovereignty Alliance, Community to Community (C2C), Whatcom Food Network, Whatcom Land Trust, Sustainable Connections Food and Farming program (Bellingham), etc.
- Source Documentation. Might include compiling and researching all information on traditional foods sources including nutritional and medicinal values, identifying priority food sources and what the challenges are to their production and use (this would include political barriers, access to healthy land and waters, etc.), how is knowledge of traditional food sources being disseminated within the indigenous community and outside of it, what partnerships and alliances have been established, what has been the role of the Universities in research and education, etc.
- Recommendations could include partnerships with other non-native food sovereignty programs and efforts, expanding partnerships and alliances with organizations and institutions that already exist, Tribal education programs for youth (on reservation and in colleges like NWIC, in elementary and secondary public schools systems that have indigenous curricula), forums for non-Indians (Food Co-op forums and Whatcom Community College adult education classes), creation and/or expansion of Tribal gardens and nurseries, maintain and sustain partnerships and alliances to work on large scale projects such as restoration and protection of the Salish Sea that'll impact marine and terra ecosystems, review and establishment of Tribal food source systems, etc.

#### **Focus Group #4: Laws and Sovereignty**

- Description. This focus group would look at how legal policies, practices and precedence (various aspects of law) establish and impact sovereignty and tribal lifeways.
- Aspects and intersecting issues. Would include review of various perspectives of Treaties, judicial precedence and review, federal and State laws and regulations and their impacts on sovereignty. It would necessarily include a historical and contemporary review of Title 25 of US Code (Indian Law) and the U.S. Constitution and other applicable law as it relates to Indian Country. Likely to include impacts on health and welfare, family, natural resources, spiritual practices, cultural continuity and preservation, education, and much more. Might include a review of the dismantling of ICWA, Treaty violations which would include the intergenerational aftermath (trauma) of historical decisions and practices, impacts on economic opportunities, impacts on cultural preservation (repatriation), opportunities barriers to natural resource restoration and preservation, federal to state conflicts, government-to-government restrictions, etc.
- Jewell has already done extensive work on this project and will have by far more and accurate information than is presented here.

- Authorities will likely include Department of the Interior and subordinate agencies, U.S. Supreme Court, Title 25, U.S. Constitution, case precedents, Tribal laws, State laws and departmental agencies for the various intersecting issues.
- Community Support. Might include the Native American Rights Fund, Tribal law offices and departments, Tribal agency offices, Affiliated Tribes of Northwest Indians, WA State Office of Indian Affairs, National Congress of American Indians, Northwest Indian Bar Association, Native American Law Center, The Center for Indian Law & Policy, etc. Could also include holdings of university Native programs including studies, reviews and curricula.
- Source Documentation. Would likely include in-depth study of Constitutional case law (Boldt Decision), lower court case decisions, federal law and state law including the e.g. Allotment Act, Relocation Act, Indian Self-Determination and Education Assistance, termination policies. Oral histories and historical studies and reviews including military and civilian oversight, etc.
- Recommendations. Establish uniform definition of Sovereignty that can be provided and explained to non-Indian community members. Develop ongoing education for both Tribal and non-tribal communities on defining and preserving sovereignty and the various impacts of Indian Law throughout Indian Country. Historical review of policies, laws passed and judicial cases and their impacts on sovereignty and cultural continuity and dissemination to the public. Review and seek ways to current trends that are eroding Tribal sovereignty and cultural continuity especially given this current national administration's and congressional policies and practices.

Other Focus Groups could include, but not limited to:

#### **Focus Group #5: Education**

- Inside the Tribe
- In the Greater Community

#### **Focus Group #6: Health and Wellness Issues**

- Substance Abuse
- Mental Health (outside substance abuse)
- Nutrition (e.g. diabetes)
- Exercise and physical fitness
- Collaboration with tribal and community health programs

#### **Focus Group #7: Natural Resources**

- Resource physical restoration and preservation
- Cultural significance and protection
- Land, Air, Water and Wildlife
- Collaboration with environmental and justice groups
- Document the impacts of environmental damage to Indigenous peoples' land and acknowledge the extensive habitat restoration that Indigenous tribes have already accomplished



- Identify and centralize information on cooperative and collaborative efforts with local, State and Federal agencies on environmental issues
- Promote further environmental protection and restoration in order to support Indigenous people's land, resources, and food sovereignty
- Research and identify heavily impacted/priority areas (e.g. health of Salish Sea waters)
- Identify what's happened in the past, what's worked
- If it didn't work, identify alternatives

**Focus Group #8: Cultural Integration**

- Acknowledge the historical and current experiences of Indigenous peoples in Washington State
- Acknowledge the historical and current impacts and consequences of actions taken by the US government affecting Indigenous peoples in Washington State
- Develop Focus Events (e.g. Native American Heritage Month, Indigenous Day, Canoe Journey, etc.)
- Develop and enforce Educational Programs
  - Adult educational classes and workshops on Indian law by topic (i.e. health, self determination, culture, sovereignty, etc.)
  - Review and evaluate University programs
  - Primary education programs (Time Immemorial)
- Sharing Events (Provide several holistic, healing and culturally appropriate and safe settings for Indigenous peoples to share their stories and wisdom with the wider community)
- Witness, support, promote and facilitate truth and reconciliation events at both State and community levels
- Support commemoration of former and current Indigenous people and their families who have shown great resilience and maintained their cultural identities under the threat of cultural genocide