



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF CIVIL RIGHTS  
EXECUTIVE

JOHN E. JOHNSON, JR.  
EXECUTIVE DIRECTOR

February 26, 2026

Representative Tom Kuhn  
N-991 House Office Building  
P.O. Box 30014  
Lansing, MI 48909

Representative Kuhn:

Thank you for the invitation to testify before the House Appropriations Subcommittee on General Government at the informational hearing on the Michigan Native American Boarding School Study on February 26, 2026. Upon advice of counsel, MDCR must decline this invitation as the discussion could potentially harm the state's ability to recoup some of the taxpayer funds through future litigation. In the spirit of cooperation, please accept this testimony to be read into the record as an attempt to further clarify MDCR's positions to the subcommittee beyond the language shared in our November 30, 2025, report.

I appreciate that your invitation letter indicates that this hearing is "...intended to be respectful, forward-looking, and focused on understanding how the State of Michigan can approach this work more effectively going forward." Because the subcommittee has invited elected leaders from sovereign tribal nations to testify, MDCR also feels it is most respectful to cede time and space for those leaders, survivors, descendants, and study participants to share their own experiences. MDCR has taken opportunities to inform tribal leaders about concerns with this project and to receive their feedback. The Department has valued its government-to-government relationship with tribal nations throughout the decision-making process, as they are the experts on the impact of boarding schools and recommendations for future action.

Should you have any additional questions or concerns please contact MDCR's Legislative Liaison Annie Urasky at [UraskyA@michigan.gov](mailto:UraskyA@michigan.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "John E. Johnson, Jr.", written over a faint circular stamp.

John E. Johnson, Jr, Executive Director  
Michigan Department of Civil Rights

Enclosures

CC:

Governor Gretchen Whitmer  
Emily Paski, EOG Tribal Liaison  
Jamie Stuck, Office of the Tribal Legislative Liaison  
House Appropriations Subcommittee on General Government

House Appropriations Subcommittee on General Government  
Michigan Native American Boarding School Study Hearing  
February 26, 2026

Testimonial Statement from John E. Johnson, Jr,  
Executive Director, Michigan Department of Civil Rights

On November 30, 2025, the Michigan Department of Civil Rights submitted a memo and 17-page report on the Michigan Native American Boarding School (MiNABS) Study. This testimony is intended to supplement that document and will make references to information shared at that time. There are three initial points:

- The Michigan Department of Civil Rights is a civil law enforcement agency. Conducting extensive scholarly studies on historical events goes well beyond our typical work, which is why the decision was made to contract with a third party to perform work on the study. While the MDCR recognizes the importance of examining the harmful legacy of boarding schools in Michigan, the MDCR believes that the most value on this important topic will be derived from subject matter experts and members of the Tribal communities.
- Throughout the process, MDCR prioritized the needs of the survivors and descendants of Michigan Native American boarding schools and is thankful for our ongoing partnerships with Michigan's tribal nations. We continue to affirm that adopting the draft reports we received from Kauffman and Associates, Inc. (KAI) risked further harm to the impacted communities. As described in our November 30, 2025, report, this assessment was made after the expressed concerns of participants at formal Tribal Consultation in August 2025 and October 2025. The November 30 report includes several synthesized notes from Tribal leaders, survivors, and descendants requesting that we do not adopt or release the full 300-page report from Kauffman and Associates.
- MDCR is as disappointed with this result as everyone else, but we remain committed to avoiding further harm. We share the concern that taxpayer money was used on a study that did not result in an adoptable report and have contacted the Department of the Attorney General to assess legal options for recouping costs. As advised by our counsel, the potential for future litigation limits the extent to which we can participate in public discussion in this and other forums.

## **Timeline of Events**

Below is an excerpt from the memo submitted on November 30, 2025:

*“After two rounds of requests for proposals, the Department finally was able to contract with a firm to conduct the Michigan Native American Boarding School*

*Study (MiNABS Study) in January 2024. However, as the Department began to work with its contractor, Kauffman and Associates, Inc. (KAI), it became clear that there was inadequate time to conduct all the necessary historical research and produce a comprehensive report.*

*The Department did not receive the full initial draft of the MiNABS Study Report from KAI until January 2025; the month KAI's contract was set to expire. The Department submitted a preliminary status report to the Legislature that same month.*

*In May 2025, the Department submitted a second status report to the Legislature. The Department indicated that the estimated date of publication of the final written report and video was anticipated to be November 30, 2025. At that time, the Department was assessing how to work with KAI's draft of the MiNABS Study Report. Prominent issues with KAI's draft at the time included:*

- Failure to address the history of what happened in boarding schools in Michigan and how the State of Michigan contributed to this system;*
- Exceedance of the scope of the charge in the legislative boilerplate;*
- Conclusions regarding issues outside the expertise of the researchers, including legal conclusions regarding federal treaties and other matters with unknown or potentially negative consequences both to the State and Tribes;*
- Statements and claims without factual support/citation or sources; and*
- An overall unreadable format/structure.*

*KAI's draft report required substantial revisions and a structural overhaul to focus on answering the questions that the Legislature posed. Consequently, the Department executed a contract extension so KAI staff could complete that work and other tasks.*

*In July 2025, MDCR sent Tribal Leaders and Tribal representatives participating in the Tribal Advisory Group (TAG) the initial draft of KAI's report to get their response and gauge their interest. The initial KAI draft consisted of a "literature review" and a "findings" section.*

*In August 2025, MDCR provided Tribal Leaders and members of the TAG with the revised "Consultation Draft" of the KAI report and links to videos for their review and feedback. The Consultation Draft focused on the work KAI conducted with boarding school survivors and their descendants, while the videos primarily focused on interviews with boarding school survivors.*

*Pursuant to the Governor's Executive Directive 2019-17, the Department held a formal Tribal Consultation in late August. The comments received from Tribal Leaders and members of the TAG, which are synthesized in Part III of this Report, affirmed the Department's prior concerns related to KAI's research scope, methodology, and work product. Notably, the comments also suggested*

*that KAI used unethical approaches in its human-subject research methods, calling into question whether participants had given informed consent. This was the first time that the Department had received comments of that nature. As the Department was considering its next steps, it continued to work to obtain KAI's materials related to the MiNABS Study so that they can be preserved as required by the appropriations language.*

*On September 30, 2025, the last day of KAI's contract, KAI circulated an unauthorized third draft of the MiNABS Study Report to Tribal Leaders and Tribal representatives without the Department's advance knowledge or permission.*

*In October 2025, the Department conducted a follow-up meeting with Tribal representatives. Again, it received comments about KAI's methods. At the Tribal Consultation in August and the meeting in October, many Tribal Leaders, survivors, and their descendants urged the Department not to accept and distribute KAI's work product, as it may cause further harm to victims."*

## **Specific Issues with the Vendor's Draft Report as Submitted**

**The draft failed to answer the Legislature's questions, exceeded the scope of the vendor's expertise, and did not focus on boarding schools in Michigan.**

Perhaps most importantly, the study simply failed to answer the Legislature's questions. The boilerplate language authorizing and funding the study was very clear regarding the purpose of the project. The FY23 budget language included driving questions to be answered by the study, including:

*"...the number of Native American children forced to attend boarding schools in this state, the number of children who were abused, died, or went missing while at these schools, and the longterm impacts on these children and the families of children forced to attend these schools."*

Instead of using this language to drive the research, the vendor's draft goes dramatically beyond the intended scope with sections devoted to:

- Treaty law, federal intergovernmental agreements and other legal topics
- Boarding schools outside Michigan
- Federal policies and historical contexts

This is a problem because the language makes multiple legal conclusions and assumptions that go beyond the expertise of the vendor and are not supported by citations or sources. For example, page 82 of the first draft report makes a conclusory statement that Michigan accepted full responsibility for providing Native education without further cost to the federal government. According to the draft, this acceptance of responsibility was done via a letter from Governor Comstock to the Secretary of the Interior by simply referencing the transfer of certain duties related to the Mt. Pleasant

Industrial Boarding School. Not only is this unrelated to the budget language, but there are no actual excerpts from the purported agreement, no supporting original sources, and no independent interpretation from legal scholars with expertise in Federal Indian Law.

MDCR learned that the vendor's analysis raised serious questions of federal and state law, including how a state governor and the Secretary of the Interior (rather than Congress) could assume federal treaty obligations and alter trust obligations without Constitutional authority. The draft has no coherent legal theory or analysis concerning Indian treaties, much less a connection between those treaties and boarding schools in Michigan.

Most importantly, if MDCR adopted this theory under these circumstances, it would be an affront to the State's government-to-government relationship with Tribal Nations, to whom treaty rights actually belong. The suggestion that the United States could silently discard its treaty obligations could be damaging to Tribes that hold those treaty rights. The project's timeline did not allow for proper input from Tribal Nations and their attorneys about this theory's accuracy and impact on their rights, leading the MDCR to believe it was unwise to use this report as a vehicle for such unsupported claims. Not only that, but it distracted and took resources away from answering the Legislature's questions in the budget language.

Outside of this reference, the vendor's draft has no other evidence or record of how State policy, authority, or budget contributed to boarding schools. Certainly, the Tribes, the public, and MDCR itself hoped to see such evidence so we could collectively identify the best path forward toward healing and justice. There is nothing related to the State's responsibility in this draft that MDCR could be withholding because the vendor simply didn't answer that question.

Much of the remaining text is irrelevant to the specific driving questions mentioned in the budget language. The report should have focused on Native American Boarding Schools in Michigan, and especially the specific experiences of the children involved and their families. The inclusion of the off-topic language contributes to the overall structural problems and unreadability of the document.

Further, even though the vendor did not have Michigan-specific research or find connections between federal and state governmental actors, it nonetheless had pages of recommendations it would like the State to implement, which were untethered to its actual research or expertise. MDCR instead points the subcommittee to the recommendations from Tribal Nations, as subject matter experts. These recommendations were shared at formal Consultation and provided on page 14 of MDCR's November 30, 2025, submission to the Legislature.

Overall, the draft report failed to meet the purpose of the budget language and raises unsupported legal and historical assertions that are not independently verified or corroborated – an important safeguard of professional research. As a result, we are

currently distracted from the Legislature's original intent by discussing the vendor's contract and research process instead of the stories of the survivors and descendants.

## **Tribal Input and Ethical Questions Regarding Human Subjects Research**

MDCR has several concerns with the way representatives from the vendor interacted with survivors and descendants, which directly contributed to the limited number of participants in the study. Instead of representing this as an oral history project, the draft represented their testimonials as quantitatively significant data. This was despite the fact that only around 28 survivors and less than 105 descendants or "other impacted individuals" who were affiliated with boarding schools in Michigan participated. Further, the vendor's draft blurred the distinction between these categories of participants, which gave the impression of an inflated sample size.

MDCR extended the vendor's contract under a revised scope of work to focus the vendor on the testimony of survivors and descendants in a much shorter draft. As summarized in the November 30, 2025, report, MDCR subsequently became aware of several concerns with the vendor's attempts to obtain informed consent from study participants. MDCR believed that it would harm survivors and descendants to approve the draft, given that MDCR could not confirm participants were properly informed about how and when their testimony would be used. For this reason, the majority of participants at both formal Tribal Consultations urged MDCR not to adopt the draft report to safeguard the privacy rights of those participating in the study. This is also emphasized in several letters from Tribal governments attached to the November 30, 2025, submission.

In sum, there remain ethical concerns to this day regarding whether KAI obtained informed consent from the study participants. These questions essentially mean that the testimony from survivors and descendants could not be disseminated without potentially reharmed Native American communities.

## **In Conclusion**

Despite this outcome, we cannot lose sight of the purpose of this report and the impact that boarding schools had on Native American families. MDCR believes that this matter is worthy of research and that the survivors and descendants deserve to have their stories heard, chronicled and acknowledged.

However, MDCR believes this topic must be approached with a focus on the concerns of the impacted communities and guidance from subject matter experts. The Department has completed the task to which it was assigned, and any future work on this topic should instead move resources into the hands of Tribal Nations so they can support healing and justice in their own communities.