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Apologies to Indigenous Peoples in Comparative Perspective

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Abstract

Australia, Canada, and the United States formally apologized to their Indigenous peoples in February 2008, June 2008, and December 2009, respectively. The Indigenous peoples in these countries are relatively small in size and Indigenous issues usually lack salience in national elections, so these near simultaneous apologies appear somewhat surprising. All three came after years of pressure and incompletely realized apologies. The presence of a focusing event and the level of Indigenous mobilization help explain the variation among the apologies, with Canada and Australia's apologies stronger than the U.S. one. However, the impact of the apologies on the three governments' efforts to reconcile with their Indigenous populations remains unclear.

Keywords

apology, Indigenous peoples, Australia, Canada, United States, truth and reconciliation

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Apologies to Indigenous Peoples in Comparative Perspective

The official apologies to Indigenous peoples in Australia, Canada, and the United States occurred within two years of one another between 2008 and 2009, but varied considerably, ranging from Canada's high profile apology accompanied by a Truth and Reconciliation Commission and a comprehensive financial settlement to a low profile apology without any aid or promise of further investigation from the U.S. Australia's high profile apology with limited financial aid occupied a middle ground between the two North American apologies. This article compares the apology process in each country and tries to account for the different outcomes, with some concluding reflections about the effectiveness of using apologies to reconcile Indigenous peoples and national governments.

As government apologies for human rights violations became more common in recent decades, a substantial body of literature about them developed. Torpey (2006) situated apologies within "reparation politics," which includes criminal trials or truth commissions at its core, material compensation at the next level, followed by apologies, and then efforts to reshape collective memory. Similarly, Verdeja (2009) considered apologies as part of a multi-dimensional reconciliation process. He noted that, as speech acts, apologies cannot fully repair historically violent and exploitative relationships and may enable elites to mitigate their guilt; thus, they benefit those giving the apology more than those receiving it. However, they can facilitate better relations and refusing to apologize may inflict further damage by implying victims or their descendants do not merit the state's moral respect. In distinguishing interpersonal from collective apologies, Tavuchis (1991) argued, "the major structural requirement and ultimate task of collective apologetic speech is to put things on record, to document as a prelude to reconciliation" (p. 109). So in political apologies, a recitation of wrongs done becomes as important as the expression of remorse: People want public acknowledgment of what happened to them or their ancestors. Apologies can highlight the subterranean history that countries ignore or downplay in their national narratives (Torpey, 2006). Even if sorrow or forgiveness does not fully occur, agreeing on what has happened helps address past grievances and creates space for future dialogue. Celermajer (2006) argued that in political apologies remorse and compensation matter less than revisiting tenets of a country's political culture. She considered an apology to be "a means whereby the group recognizes how its collective norms formed the necessary conditions for particular wrongs to occur, and expresses shame for those ethical flaws" (p. 155). Also taking a broad view, Nobles (2008) argued that apologies reflect an ongoing negotiation about the terms of national membership in states and that groups use them to advance their political goals.

Many scholars have noted the difficulty of effectively apologizing. Thompson (2008) claimed that because an official apology separates a past of injustice from a future of respect it requires a memorable public display. She explained, "this is why a political act of apology requires preparation, ceremony, and subsequent actions; saying the words is a small part of the proceedings" (p. 42). In establishing a public record of past events, apologies also require "some measure" of publicity (Dodds, 2003). In addition, the person delivering them should have high stature. Tavuchis (1991) noted, "an apology proffered without the proper credentials, that is, lacking the moral imprimatur of the group, amounts to no apology" (p. 101). An apology's timing matters too because coming too soon can make it seem insincere or ill conceived and coming too late may cause it to lose its relevance (Tavuchis, 1991). Long-delayed apologies raise questions of responsibility, or to what extent people can or should apologize for things that occurred before their time (Dodds, 2003). The importance of context leads some scholars to stress

the “performative” (Cushman, 2009) aspects of an apology. Marrus (2007) argued that one of the most successful modern apologies—Willy Brandt’s *Kniefall* in 1970—contained no words. The widely disseminated image of the German Chancellor in Warsaw kneeling before the memorialized victims of the Nazis communicated Germany’s remorse.

The record of failed apologies preceding the official apologies to Indigenous peoples in 2008 and 2009 in Australia, Canada, and the U.S. confirms the scholarly literature’s claims about the challenges of apologizing.¹ Official government reports in Australia and Canada help explain the greater effectiveness of their apologies compared to the U.S., and, even though scholars like Nobles (2008) convincingly argued that political elites largely control apology politics, the higher level of Indigenous mobilization for an apology in Australia and Canada also strengthened those apologies. Without discounting the symbolic importance of these national apologies, they have not seemed to determine the success or failure of subsequent government relations with Indigenous peoples in the three countries, which raises questions about their long-term impact.

The Difficulty of Saying Sorry

The evolution of the four Canadian apologies illustrates the importance of both content and context to their success. In 1991, the Cariboo Tribal Council of British Columbia organized the first conference to examine the impact of residential school abuse.² At the conference’s close, William Van Iterson, Assistant Deputy Minister of Indian Affairs, apologized. He used vague and cautious language, with phrases like “some . . . and perhaps many” to describe the group of abused students, “negative impacts that have been identified” to refer to what happened to them, and “deep and sincere regret” instead of “sorry” or “apologize” (“Official Apologizes,” 1991, paras. 6 & 2). Besides the inadequate content, the apology also failed for contextual reasons. A low ranking official gave it far from the capital at a relatively obscure event. It came as one among several apologies delivered by church representatives. Little publicity preceded or followed it so it hardly registered nationally, receiving no mention by officials or the media at the later apologies—almost like the proverbial tree falling in a forest: With no one there to hear it, it made no sound.

The government enhanced its 1998 apology with language about the “attitudes of racial and cultural superiority [that] led to a suppression of aboriginal culture and values,” acknowledgment of the fracturing of aboriginal families and the loss of culture and language, mentioned that “some children were the victims of physical and sexual abuse,” and used the word “sorry” (Tibbetts, 1998). The apology’s context was improved by Jane Stewart, Minister of Indian Affairs and Northern Development Canada, who delivered it at an Ottawa ceremony to leaders of the largest Indigenous organizations. It also received extensive news coverage. Yet, it still failed, partly because Prime Minister Jean Chrétien did

¹ New Zealand, a fourth Anglo settler state, is not included in this article because its apologies to the Maori started earlier (e.g., Queen Elizabeth to the Tainui in 1995 and Prime Minister Jenny Shipley to the Ngai Tahu in 1998), and constitute part of a distinctive Treaty Settlement Process that includes reparations (see Gibbs, 2008).

² From the late nineteenth century until the 1980s when most of them closed, a network of church-run, government-funded residential schools isolated Native children from their families and communities to assimilate them. Abuse and neglect at the schools damaged many of the students (see Miller, 1996; Milloy, 1999).

not sign the document or attend the ceremony; therefore, Stewart had to clarify afterwards that she had officially apologized for the government (Aubry, 1998). However, many Native leaders considered its content inadequate (DePalma, 1998; O'Neil, 1998). Even children not abused found themselves in an alien, sometimes hostile environment: Families had their children removed for long periods of time, and tribes had their cultures and languages undermined, all of which merited distinct apologies. In addition, the apology's wording left it unclear how much responsibility the government took for the abuse that occurred in the residential school system.

Liberal Member of Parliament (MP) Gary Merasty initiated the third apology in the House of Commons in 2007. Indian Affairs Minister Jim Prentice supported it because a parliamentary apology, backed by all parties, appropriately shared the responsibility for residential school abuses, instead of a government apology by the current Prime Minister (Iverson, 2007). He considered an executive apology a separate issue and preferred to wait until the Truth and Reconciliation Commission (TRC) had finished its work in 2005 ("Canada House," 2007). The apology passed unanimously; however, it failed for contextual reasons: The Prime Minister did not speak to it, it received little media coverage, and it seemed incongruous for an Aboriginal MP with family members who attended residential schools to initiate an apology instead of the Euro-Canadian head of government.

The final 2008 apology achieved greater prominence than previous ones. It was the only parliamentary business for that day and the leaders of the three opposition parties each issued their own apologies after Prime Minister Stephen Harper delivered the official one (McIlroy & Curry, 2008). The apology received national television coverage, and more than 30 government sponsored events throughout the country enabled people to view it communally (Bailey, 2008). The text named the wrongs done in more detail than previously. Prime Minister Harper further apologized for forcibly removing children from their homes, which separated children from their cultures and traditions and undermined Indigenous family structures, and for the abuse children suffered, as well as for the sense of powerlessness instilled in Natives unable to protect their children. He condemned the attitudes of cultural superiority underlying the residential schools, concluding with the statement, "the Government of Canada sincerely apologizes and asks the forgiveness of the aboriginal peoples of this country for failing them so profoundly. We are sorry" ("Canada House," 2008, p. 6850). Native leaders accepted this apology, with Assembly of First Nations (AFN) Chief Phil Fontaine claiming it created an opportunity to end Canada's "racial nightmare" ("Canada House," 2008, p. 6855).

Unlike Canada, the United States never attained the proper content and context necessary to apologize successfully. The first U.S. apology in 2000 came at a ceremony marking the 175th anniversary of the Bureau of Indian Affairs (BIA), delivered by BIA head Kevin Gover to tribal leaders, BIA employees, and federal officials (Tsosie, 2006). Despite its powerful text, it "suffered a death by silence" (Buck, 2006, p. 97). President Bill Clinton neither signed the apology nor attended the ceremony and no White House official commented on it (Manning, 2000). Like the first Canadian apology, a sub-cabinet official delivered it and, like the third Canadian apology, a Native initiated it. It was not televised and got

relatively little news coverage. It hardly registered in the American national consciousness.³

Senator Sam Brownback subsequently led efforts to apologize. He introduced his apology resolution four times (in 2004, 2005, 2007, and 2009) before succeeding. Its initial text included 21 perambulatory clauses listing wrongs done to Natives by the government, and the seven succeeding operative clauses contained a resolution that “the United States, acting through Congress . . . apologizes on behalf of the people of the United States to all Native Peoples for the many instances of violence, maltreatment, and neglect inflicted on Native Peoples by citizens of the United States” (Joint Resolution, 2005, p. 5). It also urged the President to recite the apology. While less eloquent than Gover’s apology, the text was adequate but its context was not. The resolution was passed unanimously by the Senate Indian Affairs Committee, whose members tend to represent states with significant Native populations, but struggled to progress further. In 2008, Brownback attached it to the Indian Health Care Improvement Act, which also passed in the Senate but did not receive a House vote (Hananel, 2008). In 2009, shorn of its perambulatory clauses, Brownback added the resolution as an amendment to the 2010 Defense Appropriations Act (Capriccioso, 2009). Titled “Apology to Native Peoples of the United States” and labeled as Section 8113, it occupied parts of pages 45 and 46 of the 67 page defense spending bill. In this form, it passed Congress and President Barack Obama signed it into law in late 2009 (Beech, 2010).

However, by removing the perambulatory clauses, the apology failed to detail the harms done, like the prior U.S. apology. Unlike the Canadian apologies that grew increasingly prominent, in gaining passage, it became steadily more obscure: from a stand-alone resolution, to an amendment to an Indian health care bill, and finally to a non-germane amendment to a military spending bill. Obama did not refer to it in his remarks after signing the bill and never read it aloud.⁴ One Native analyst complained “there were no public announcements, there were no press conferences, there was no national attention . . . what kind of an apology is it when they don’t tell the people they are apologizing to? . . . I have had my doubts whether this is a true or meaningful apology . . .” (Capriccioso, 2010a, paras. 20, 22, & 23). It hardly helped that, in 2010, Brownback, joined by three other members of Congress and five tribal leaders, recited it at a little known location to thin media coverage (Evans, 2010). At the 2010 tribal summit, Obama referred obliquely to the apology by stating that, “I signed a resolution . . . finally recognizing the sad and painful chapters in our shared history—a history too often marred by broken promises and grave injustices against the First Americans. It’s a resolution I fully supported—recognizing that no statement can undo the damage that was done . . .” (“President Obama,” 2010, para. 2). With no public presidential ceremony, this apology seems likely to vanish from national consciousness.

More than in Canada or the U.S., Australia’s apology became enmeshed in partisan politics and, in Kingdon’s (2011) language, the election of a John Howard-led Liberal government in 1996 closed the

³As director of the National Museum of the American Indian, Gover appeared on a National Public Radio (NPR) talk show in 2008 to discuss apology politics after the Canadian and Australian national apologies, and the program’s host showed no awareness of Gover’s 2000 apology, nor did Gover mention it (see Martin, 2008).

⁴It is not clear why Obama never publicly delivered the apology. In 2009, Karl Rove derided Obama’s foreign travel and addresses as an “apology tour,” a theme appropriated by Mitt Romney in his 2010 book, *No Apology: The Case for American Greatness*, and in his 2012 presidential campaign, so perhaps partisan politics played a role (Capriccioso, 2010b). Alternatively, Obama may have preferred other ways to reconcile with Indigenous peoples.

“policy window,” which did not reopen until the Liberals lost the election of 2007. Prime Minister Paul Keating made the initial statement of regrets in Redfern Park at the end of 1992 (Boreham, 1992). He used strong and direct language to describe the wrongs committed against the Aboriginal and Torres Strait Island people (the Torres Strait Islanders are Melanesians, and in this article the term “Aborigines” refers to both of these distinct sets of Indigenous peoples) and acknowledged their damaging legacy, but did not use the word “apologize.” He called guilt an unconstructive emotion and instead advocated “practical” measures to improve conditions for Aborigines (Keating, 1992).

In 1997, Prime Minister John Howard spoke at a Council for Aboriginal Reconciliation (CAR) convention where he personally apologized without issuing a government apology (“Transcript of the Prime Minister,” 1997). He stated his regrets for past injustices, but argued an official apology would reflect what he termed elsewhere a “black armband” view of Australian history that ignored the country’s positive accomplishments and that contemporary Australians, decades distant from the removal of Aboriginal children, should not be held accountable (“Transcript of the Prime Minister,” 1997).⁵ The audience, committed to a government apology, reacted hostilely (Sanders, 2006). As state and local governments, churches, and occupational groups associated with the child removals apologized in succeeding years, the national government continued to balk. The government rejected the CAR’s proposed reconciliation statement for Australia’s centennial because it contained an apology (“Stuck Again,” 1999).

A third expression of regret occurred in 1999 when the government negotiated with newly elected Democratic Party Senator Aden Ridgeway, the only Aboriginal member of Parliament (Grattan & Kingston, 1999). The parliamentary resolution acknowledged the “mistreatment” of Indigenous peoples, stating that this represented “the most blemished chapter in our history” (“Commonwealth of Australia,” 1999, p. 9205). The choice of the word “blemish” reflected Howard’s view of Australian history, because a blemish implies an exception to an otherwise healthy or attractive whole (Adams, 1999). The apology did not name the wrongs committed, specifically the removal of Aboriginal children, and avoided the word “sorry” in favor of “deep and sincere regret” (“Commonwealth of Australia,” 1999, p. 9205). It remained unacceptable to many Aboriginal leaders (Farr, 1999). In 2000, when CAR was disbanded and replaced by a private foundation, Aborigines lost a test case for damages for their removal from their families (“Roundup: Aborigines Lose,” 2000), and gradually momentum for an apology waned in the face of continuing government opposition.

During the 2007 election campaign, Labor Party leader Kevin Rudd promised a formal apology to Australia’s Aborigines (Sullivan, 2007). After taking office, he sought unanimous parliamentary support for an apology. Partly to win Liberal approval, the new government rejected compensating the “Stolen Generations,” and Indigenous Affairs Minister Jennifer Macklin asserted, “the apology will be made on behalf of the Australian government and does not attribute guilt to the current generation of Australian

⁵ A 1997 report published prior to Howard’s CAR speech by the Human Rights and Equal Opportunity Commission examined the removal of Aboriginal children from their families and placement in foster families or orphanages from 1910 to 1970. As in the Canadian residential school system, many of these children, often referred to in Australia as the “Stolen Generations,” experienced physical and sexual abuse, labor exploitation, and as adults some suffered from feelings of shame and disorientation about their identities.

people” (Johnston, 2008). The new Liberal Party leadership endorsed the apology and it passed unanimously in Parliament. This process resembled what happened to Brownback’s apology resolution, which gradually lost force to gain support for passage.

Rudd delivered the apology in the House of Representatives on Parliament’s first session of 2008 and it received live national television coverage. The government paid for about a hundred Aborigines from the Stolen Generations to attend the speech (McGuirk, 2008). Rudd read his relatively brief apology resolution, explaining further its rationale and significance. The new Liberal Party leader Brandon Nelson also apologized, after which Rudd, Nelson, and Macklin went to embrace the Aborigine attendees. Rudd quoted from some of the architects of the child removal policy, with their explicit intent to solve the Aboriginal “problem” by eradicating its distinct culture (“Commonwealth of Australia,” 2008). He explained that the laws passed by former national and state parliaments created the Stolen Generations and, therefore, those institutions appropriately should apologize (“Commonwealth of Australia,” 2008). This phrasing avoided blaming the people carrying out the policies and their descendants, but also implied that Australians must bear the burdens of their history. He received generally positive responses to his apology. Pat Dodson, the original CAR chair, called it “a seminal moment in the nation’s history” and another Aboriginal leader claimed it would go “a long way to end the distrust of the white man by generations of my people” (Rintoul, 2008). After prior attempts fizzled, Australia’s fourth apology finally appeared to succeed.

Explaining the Variation among Apologies

Two factors help account for the higher profile of the final Canadian and Australian apologies compared to the U.S. First, Canada and Australia established government inquiries, whereas the United States did not. The Royal Commission on Aboriginal Peoples (RCAP), created after the violent confrontation at Oka in 1990 to assess the status of Indigenous peoples and make recommendations for reform, issued its final report in 1996. It contained a chapter that detailed poor conditions and widespread abuse in residential schools, advocating a further inquiry with remedial actions taken as deemed appropriate, including apologies and compensation (Royal Commission on Aboriginal People, 1996, see pp. 364 - 367). In Australia, the Human Rights and Equal Opportunity Commission (HREOC) report concluded that, despite the good intentions of some involved, the Aboriginal child removal policy amounted to genocide, or the concerted attempt to destroy a people and a culture, under international law (HREOC, 1997, see pp. 270 - 275). It recommended apologies and compensation by national and state parliaments, as well as the establishment of a national “Sorry Day” to commemorate the child removals. The CAR, which pressed for that apology, itself arose from a recommendation in an earlier government report by the Royal Commission into Aboriginal Deaths in Custody (Martin, 2001).

Neither Canadian nor Australian political elites embraced the results of these inquiries. The Chrétien government tried to ignore the RCAP report and did not endorse any of its 440 recommendations (Switzer, 1997). The report called for increased government spending to improve housing, education, and job training for Natives in a time of fiscal austerity, and proposed enhancing the sovereign status of the First Nations when a referendum on Quebec separating from Canada had just narrowly lost the year before, creating fears about the disintegration of Canada (Nichols, 1998). Chrétien also doubted the utility of an apology for the use of residential schools (Smith, 1995). In Australia, the Howard government went further than just ignoring the HREOC report by attacking its validity in a detailed

critique of its methodology introduced into Parliament and claiming it overestimated the number of Aboriginal children removed from their homes, making the phrase “Stolen Generations” a misnomer (“The ‘Stolen Generation,’” 2000).

Despite these negative reactions, the Canadian and Australian governments could not completely repudiate the findings of their own expert panels. The reports tended to validate Indigenous demands for an apology by providing evidence of mistreatment and linking it to a national effort to destroy Native cultures. The reports also received considerable media coverage and became “focusing events” (Kingdon, 2011) that pushed an apology onto the government agenda. Howard issued a personal statement of regrets at the CAR conference held after the publication of the HREOC report; two years after the RCAP Report, one of Chrétien’s cabinet ministers apologized. A 2007 Canadian government report revealing egregious government neglect in addressing tuberculosis at the residential schools in the first half of the twentieth century weakened the Harper government’s resistance to an apology (“Native Leader,” 2007). By contrast, the lack of a government inquiry or damning report contributed to the relative weakness of the U.S. apology. In 2005, Senator John McCain held an Indian Affairs Committee hearing on Brownback’s apology resolution to build support for the proposal but the hearing failed to attract media coverage (Acknowledgement and Apology, 2005). A Committee report accusing the government of genocide or exposing new evidence of gross negligence would have had more impact.

A second factor explaining Canada and Australia’s relative success is the greater Indigenous mobilization for an apology than in the U.S. In Canada, Native leaders like Phil Fontaine had experienced abuse while attending residential schools and, as AFN chief, he lobbied hard for a response to the RCAP report when the Chrétien government appeared ready to shelve it, obtaining weekly meetings with the Ministry of Indian Affairs in 1997 to discuss the report’s findings (Kennedy, 1997). AFN pressure helped persuade a reluctant government to make its 1998 apology and fund counseling and language instruction (Anderssen, 1997). More confrontational leaders, like Matthew Coon Come who succeeded Fontaine as AFN chief in 2000, believed the 1998 apology was inadequate (Johnson, 2000). He advocated a South African-style TRC to hold public hearings and a comprehensive settlement for all the former students—whether abused or not—for the trauma of removal from their families and loss of their culture and language (Mofina, 2000). These became AFN official positions, but Coon Come’s radicalism made it hard for the government to negotiate with the AFN (Thompson, 2001), and Fontaine’s election as AFN chief in 2003 facilitated renewed dialogue.

Proliferating Native lawsuits also applied growing pressure on the Canadian government. In the fall of 1996, 100 former residential school students had filed abuse lawsuits, which grew to 600 by the end of 1997, 1,000 by the summer 1998, 1,600 by November of 1998, and ultimately over 13,000 by 2005 (Sillars, 1998; Simpson, 2005). In 1998, a court first held the churches and government legally liable for abuse at residential schools (Cox, 1998). After that, Natives began to file class action lawsuits. The government established an alternative dispute resolution system, paying 70% of the settlements and the churches paying 30%, but this system did not work well; when, in 2005, a court approved class action lawsuits for the first time, the government faced potentially extensive liability (Jacobs, 2005). This led to the settlement of 2005 in which the government allocated nearly \$2 billion to compensate all former residential school students, with additional capped settlements for those actually abused (Jacobs, 2005).

Aboriginal leaders clashed with the Harper government when it appeared it would not issue an apology even as it implemented the 2005 agreement reached by the previous government. The AFN turned to direct action, holding a national day of protest in June of 2007 against Aboriginal poverty and a variety of issues besides the apology. It involved mostly peaceful rallies, but there were also some blockades of national highways (“Day of Action,” 2007). Natives held another national day of protest in May of 2008, with talk of disrupting the 2010 Winter Olympics in Vancouver if their demands were not addressed (Lavoie, 2008). The potential return to the strife of the early 1990s probably contributed to the government’s change of position and decision to apologize in June of 2008.

In Australia, an apology for the Stolen Generations galvanized not only Aboriginals but also other groups. Facing a government refusing to apologize, a grassroots movement that distributed blank books for citizens to sign and write their apologies to Aborigines arose, which the organizers presented to Aboriginal representatives on national Sorry Day, May 26, 1998, the first anniversary of the HREOC report. Estimates varied, but the hundreds of sorry books probably contained as many as a million signatures (McAllister, 2012). Many different religious and secular observances took place on Sorry Day while the government officially stood aside (Sullivan, 1998). At Corroboree 2000, a CAR organized event, an estimated 250,000 people marched across the Sydney Harbor Bridge, while a plane skywrote the word “sorry,” and much of the city was closed to traffic for eight hours (“Australians March,” 2000). Howard continued to oppose an apology and avoided the event, instead sending his ministers of Reconciliation and Aboriginal Affairs to participate in the largest civil rights march in Australian history (Fyfe & Taylor, 2000).

The issue became highly partisan. Once Howard became Prime Minister in 1996 and refused to apologize after the HREOC report’s publication, the opposition Labor party began demanding an official apology. The apology became one of several social issues that divided the two parties, with some critics noting that its role in Australia’s “culture war” eclipsed its original purpose (Muldoon & Schaap, 2012). While popular with some of Labor’s core constituencies, opinion polls showed support for Howard’s position (Gratton, 2000). In the late 1990s, Howard faced opposition on his right from the conservative populist Pauline Hanson and her One Nation party, a movement that polarized Australians on racial issues (Robbins, 2007), probably stiffening his reluctance to officially apologize.

The impasse with the government eventually divided Aboriginal activists. Pat Dodson advocated abandoning the quest for an apology because Howard would never apologize and important issues on the reconciliation agenda remained (Nason & Green, 1999). Others continued to insist on a national apology (Nason & Jackson, 1999). Despite Aboriginal efforts and the mobilization of large numbers of supporters, it would take a change of government in 2007 before an official apology became possible. Public opinion followed political elites in that by Rudd’s win in the 2007 election a majority favored an apology, and after which he apologized in 2008; 69% of the public approved of it (“Australian PM’s,” 2008).

In the United States, an apology did not become a priority for Indian activists as it did in Canada, nor did it succeed in activating the public as in Australia. The first BIA apology by Gover and the second one by Brownback were derived from their own moral imperatives, not a response to organized pressure. In 2008, Tex Hall, then president of the National Congress of American Indians (NCAI), recalled that several years earlier Brownback called him “out of the blue” to discuss an apology (Curry, 2008, para.

16). Some analysts suspected politics drove the apology, in that casino revenues had enabled some tribes to lobby more vigorously and contribute more money to campaigns and because, in a nearly evenly divided Senate, Indians could provide the margin of victory in close Senate races in some western states (Mollison, 2004; “The Long Trail,” 2004). Brownback disclaimed political motives and instead pointed to the anger he sensed beneath the formally courteous reception he received when he first visited Kansas Indian reservations (Mollison, 2004). He participated in Christian-sponsored reconciliation efforts between Whites and Indians where he encountered a book by Baptist missionary John Dawson entitled *Healing America’s Wounds* (Mollison, 2004). Dawson (1994) advocated a four-step process of confession, repentance (including apology), reconciliation, and restitution to promote racial and ethnic harmony. Brownback discussed apologizing with Dawson and spoke of it in religious terms drawn from Dawson’s book (Carson, 2004; “Sen. Brownback,” 2005).

The official U.S. apology received mixed reactions from Natives. Some appreciated it and agreed it constituted an important step toward reconciliation, but others sought more tangible government actions (“U.S. Says,” 2010). Apology critics believed it wrongly implied that treaty violations no longer occurred. At the 2004 midyear NCAI meeting, Native leaders debated Brownback’s apology resolution and concluded that an apology without addressing “intrusions on tribal sovereignty, under-funding of treaty-mandated Indian programs and the evasion of responsibility for fixing the trust management system” (Adams, 2004, para. 11) was not adequate. They ultimately neither endorsed nor rejected it. At the 2005 Senate Indian Affairs Committee hearings, two of the three Natives testifying expressed their ambivalence about an apology. One of them told McCain that Gover’s 2000 apology “did not change even his own behavior toward Native Americans” (Acknowledgement and Apology, 2005, p. 17). This probably referred to Gover, along with Interior Secretary Bruce Babbitt, being cited for contempt by a federal judge in 1999 for not complying with discovery orders to release documents in the Cobell lawsuit, and for BIA employees deliberately destroying records of Individual Indian Money trust accounts (Buck, 2006).

Conclusion

The years it took to apologize reflect partly the collective action problems facing any controversial bill. Kingdon (2011) pointed to the sometimes long period of “softening up” that precedes the enactment of many policy proposals. With a symbolic policy like an apology, it requires not only passing a bill with the right content, but also its recitation within the proper context. The iterative nature of apologies to Indigenous peoples also may embody the difficulty that governments have addressing their pasts. Tavuchis (1991) explained that apologies “are difficult and potentially humiliating; there is a tendency to resist apologizing that must be overcome; apologies call attention to what we may be as well as what we have done. . .” (p. 9). It may take governments time to accept the dark side not just to what they have done, but in Tavuchis’ formulation to who they are. Governments may fear a backlash from those resentful of having their country’s image tarnished by an apology or somehow encouraging lawsuits for compensation. The ambiguous status of Indigenous peoples in settler states creates added complications: They may view apologies and reconciliation differently than other wronged minorities because “the general thrust of most racial and ethnic groups and their members [in the U.S.] has been to seek inclusion . . . by contrast, the general thrust of most indigenous nations and their citizens . . . has been to retain their political and cultural exclusion from absorption or incorporation in the American polity . . .” (Wilkins, 2007, p. 211). The desire for recognition and reconciliation but not necessarily

inclusion makes apologies to Indigenous peoples especially hard to get right.

The above cases suggest that apologies are more likely to succeed when they involve a discrete set of wrongs. The U.S. apologies were diffuse; whereas government reports in Canada and Australia had focused attention on specific policies that had continued until fairly recently. Aboriginal adults remained alive who had either attended Canadian residential schools or were taken from their families as young children in Australia. In the U.S. apologies, broad references to broken treaties and land thefts and to nineteenth century events, while deserving of an apology, had somewhat less immediate impact on people's lives and perhaps gained less traction as a result. The Canadian and Australian apologies were thus timelier than the U.S. apologies. Based on these cases, Indigenous groups seeking an official apology should focus on a specific policy that inflicted harm until relatively recently; demand an inquiry by an expert panel, preferably convened by some government agency; and then be prepared to press the government for years until it produces an adequate apology.

The impact of apologies on reconciliation remains uncertain. The apologies to Indigenous peoples acknowledging past wrongs signal a repudiation of past attempts to assimilate Indigenous peoples and extinguish their cultures. Press reports of Native reactions to the apologies, especially in Canada and Australia, indicate that they resonated emotionally for many. This cannot help but improve relations, although how much is unclear. As Galanter (2002) observed, "as flawed as these efforts [to remedy old wrongs] are, unreflecting acquiescence in past injustice is worse. A patched and leaky vase may be less desirable than an unbroken vase, but is better than a pile of shards" (pp. 123 - 124). Much depends on whether the apology boosts further reconciliation efforts or becomes only a means to placate Native discontent. As one Aboriginal leader observed on the Australian apology's first anniversary, it "provided the Rudd government with a political shield against criticism of its failures in aboriginal affairs" (Coates, 2009). Paradoxically, Howard's refusal to apologize highlighted the problems facing Aborigines over many years, whereas, after Rudd's apology, Aboriginal issues became less salient, no longer subject to sharp partisan conflict.

Events since the apologies suggest that they do not necessarily guarantee or prevent reconciliation. In the United States, with its weak apology, the Obama administration improved relations with Indian tribes by finally settling the Cobell lawsuit for \$3.4 billion (Savage, 2009). Congress permanently reauthorized the Indian Health Care Improvement Act as part of the Affordable Care Act, which exempted Indians from the individual mandate (Landry, 2010). The 2013 reauthorization of the Violence Against Women Act enhanced tribal sovereignty by allowing tribes to prosecute non-Indians living in Indian country for crimes of domestic violence they commit there (Ross-Petherick, 2013). Obama received a positive reception at the tribal summits he sponsored.

Despite their stronger apologies, a mixed picture characterizes Native relations in Australia and Canada. Rudd continued, to the resentment of many Aboriginal peoples, the federal intervention in the Northern Territory that his predecessor, John Howard, began in 2007 and ignored demands for Native sovereignty and land rights (MacFarlane, 2010). His successor, Julia Gillard, continued his Aboriginal policies. In Canada, tribal relations have recently grown more contentious as the Native grassroots protest movement Idle No More has spread, and the AFN attacked a recent government budget bill that unilaterally changed the Indian Act when decisions impinging on treaty obligations are supposed to be made in consultation with the First Nations ("Time We Stopped," 2013). As Canada tries to develop oil

and gas and mineral resources on northern lands, the First Nations located there have the potential to present legal obstacles to that activity. Of course, without the strong Canadian apology, the government's relations with Indigenous peoples might have deteriorated more quickly. Post-apology events in the three countries suggest a national apology opens a window for reconciliation, but cannot determine whether political elites then take advantage of the opening to make further progress and that a weak apology does not foreclose improving relations with Indigenous peoples.

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