

Dear concerned citizens of the Cherokee Nation, the United Keetoowah Band of Cherokee Indians, the Eastern Band of Cherokee Indians, and other Tribal Nations,

Thank you very much for your letter. I have worked very hard to listen to Indian Country, and that has taken the form of more than 100 calls, meetings, and events with Native activists, advocates, and tribal leaders. A few days ago, I had a meeting with more than a dozen tribal leaders in Seattle. I recently had similar roundtables in California and Oklahoma with tribal leaders. These are just recent examples of my years of dialogue with Indian Country. I have learned a great deal from all of them, and it is in that spirit of learning and listening that I welcome hearing from you in the form of this letter.

I am not a person of color; I am a white woman, and that is how I identify. In addition, I am not a tribal citizen. Tribal Nations—and only Tribal Nations—determine tribal citizenship. It's their right as a matter of sovereignty, and they exercise that in the ways they choose to exercise it. I have said very publicly¹—and I will continue to say—that DNA does not determine tribal citizenship. This is no small point because of the long history of colonialism and violence perpetrated against Native communities, people, and identity by this country. And I understand that the confusion my actions propagated around tribal sovereignty and citizenship caused real harm to Native people and communities. I was wrong to have identified as a Native American, and, without qualification or excuse, I apologize for the harm I caused.

Through the many conversations I've had with tribal leaders, advocates, and others from across Indian Country, I've listened and I've learned—a lot. And I'm grateful for the generosity, grace, and labor that it took for community members to have these conversations with me—to call me out and to call me in. While I am grateful for this work, I apologize that it was needed. It is not the responsibility of the Native community to educate me on the harm they suffered as the result of my actions, and I pledge to be worthy of the friendship and trust that they showed to me in these moments. I'm also grateful for the opportunity many in Indian Country have given me to be a partner in their work, as I've worked hard to do as a Senator and will work hard to do as President.

I appreciate that my incorrect identification as Native was loaded given the history, as your letter describes, of the injustice of “white members of fake ‘tribes’”—which “rely solely on family stories and commercial DNA tests”—“hav[ing] been awarded over \$800 million in no-bid federal contracts set aside for minority business owners.” Importantly my situation differs from these cases because I never benefited financially or professionally. As *The Boston Globe's* exhaustive investigation concluded, none of this ever played a role in my hiring.² The article states about me, “at every step of her remarkable rise in the legal profession, the people responsible for hiring her saw her as a white woman.”³ I make this point for clarity, not as justification. Even without any financial or professional benefit, it was wrong for me to identify as Native American.

¹ WBZ, U.S. Senate Debate, October 19, 2018,

<https://boston.cbslocal.com/video/3955823-watch-complete-wbz-senate-debate-from-october-19-2018/>.

² Annie Linskey, “Ethnicity not a factor in Elizabeth Warren’s rise in law,” *Boston Globe*, September 1, 2018, <https://www.bostonglobe.com/news/nation/2018/09/01/did-claiming-native-american-heritage-actually-help-elizabeth-warren-get-ahead-but-complicated/wUZZcrKKEOUv5Spnb71O0K/story.html>. See also Annie Linskey, “What Harvard professors who were part of Elizabeth Warren’s hiring say about it,” *Boston Globe*, September 1, 2018,

<https://www.bostonglobe.com/news/nation/2018/09/01/what-harvard-professors-say-about-elizabeth-warren-hiring/iLiqqJezD67gPmFpIGtMSN/story.html>.

³ Annie Linskey, “Ethnicity not a factor in Elizabeth Warren’s rise in law.”

I had the chance to make this apology personally to the Cherokee Nation's then-Principal Chief Bill John Baker over a year ago;⁴ I made it in front of hundreds of people at the Native presidential forum convened in honor of the late Frank LaMere,⁵ whose support I was deeply honored and humbled to have;⁶ I have made it in numerous conversations with tribal citizens;⁷ I have made it publicly on several other occasions;⁸ and I extend it to each of you as well.

I appreciated the Cherokee Nation's statement after I spoke with then-Principal Chief Baker: "We are encouraged by this dialogue and understanding that being a Cherokee Nation tribal citizen is rooted in centuries of culture and laws not through DNA tests. We are encouraged by her action and hope that the slurs and mockery of tribal citizens and Indian history and heritage will now come to an end."⁹ I also appreciated similar sentiments expressed by others. Cherokee Nation citizen and former U.S. Ambassador to the U.N. Human Rights Council Keith Harper wrote, "Senator [W]arren has apologized to the Cherokee Nation and the Nation has expressed gratitude for it. As a Cherokee citizen, as far as I'm concerned, this closes the matter especially in light of the Senator's pro-tribal stances. Onward."¹⁰ Choctaw Nation citizen and community leader Kalyn Free said, "She's apologized for that, and I don't speak for tribal leaders, but in my mind that is no longer an issue at all."¹¹ Frank LaMere's son, Manape LaMere, "said he accepted the apology and that he was not interested in discussing it further: 'We all make mistakes and if we're able to hold ourselves accountable to people, that's fine. That's what we're supposed to be doing.'"¹²

But just as Indian Country is incredibly diverse, I recognize that Indian Country's opinions on most matters, including my apology, will be diverse too. Your letter put it well: "We do not think with one mind or speak with one voice on this issue—or any other." My apology at the Frank LaMere Forum prompted Blackfeet commentator Gyasi Ross to write, "It's good she acknowledged that. It's healthy to apologize. After that, it's up to the recipient of the apology to decide whether it was

⁴ Michael Brice-Saddler, "Sen. Elizabeth Warren called Cherokee Nation chief to apologize for DNA test, tribe says," Washington Post, February 1, 2019, <https://www.washingtonpost.com/politics/2019/02/01/sen-elizabeth-warren-called-choerokee-nation-chief-apologize-dna-test-tribe-says/>.

⁵ Four Directions, "Frank LaMere Native American Presidential Forum 2019 Day 1 - Part 1," August 19, 2019, <https://vimeo.com/354646088>.

⁶ Elizabeth Warren, "Carrying on Frank LaMere's Legacy," August 25, 2019, <https://www.youtube.com/watch?v=HBj1VVTHRBE>.

⁷ MJ Lee and Gregory Krieg, "Inside Elizabeth Warren's courtship of Native American leaders," CNN, August 18, 2019, <https://www.cnn.com/2019/08/18/politics/elizabeth-warren-native-american-leaders/index.html>.

⁸ See, e.g., Marina Pitofsky, "Warren gets asked about Native American identification at town hall," The Hill, July 19, 2019

<https://thehill.com/homenews/campaign/453884-warren-gets-asked-about-native-american-identification-at-town-hall>; William Cummings, "'An apology from the heart': Sen. Elizabeth Warren sorry for identifying as Native American," USA Today, February 7, 2019, <https://www.usatoday.com/story/news/politics/2019/02/07/elizabeth-warren-apology-native-american-identification/2799395002/>.

⁹ Ryan Grim, "Elizabeth Warren Will Make Her Presidential Bid Official in February," Intercept, January 31, 2019, <https://theintercept.com/2019/01/31/elizabeth-warren-2020-campaign-announcement/>.

¹⁰ Keith Michael Harper, tweet, February 1, 2019, <https://twitter.com/ambharper/status/1091476313666396160>.

¹¹ Sean Murphy, "Warren, back in Oklahoma, sees tribal leaders in private," Associated Press, December 22, 2019, <https://news3lv.com/news/nation-world/warren-back-in-oklahoma-sees-tribal-leaders-in-private>.

¹² Gregory Krieg and MJ Lee, "'I have made mistakes': Elizabeth Warren apologizes, turns to policy talk at tribal forum," CNN, August 19, 2019, <https://www.cnn.com/2019/08/19/politics/elizabeth-warren-native-american-forum/index.html>.

sufficient or not. There are no wrong answers to that. Personally I'm focused on who's gonna be the best for Native communities moving forward."¹³ My apology is one from the heart—but, just as Gyasi noted, I recognize it's up to you whether to accept it, and I know that not everyone will. Mark Trahant, *Indian Country Today's* editor, said, "There is a significant group, mostly on Twitter but significant nonetheless, who will never take any apology from [me]."¹⁴

I understand, with humility, that this is your right. Regardless of whether you forgive me—and again, that is up to you and you alone—I will continue to try my hardest to be the best champion for Indian Country I can be. I am committed to an accountability model of partnership, and I realize that an apology is only a first step. Trust must be earned in order for forgiveness to be granted. So I commit to you to continue to do the work, and I know that only time and my actions can show if I will.

I have worked very hard for Indian Country, so I sincerely appreciate your acknowledgment that I "have done some good things for Indian Country during [my] time in political service." I am especially determined to continue my efforts to promote tribal sovereignty, to move the federal government toward honoring its trust and treaty obligations, and to respect the unique nation-to-nation relationship between the federal government and Tribal Nations. The Cherokee Nation's then-Secretary of State (and now-Principal Chief) Chuck Hoskin Jr. wrote a very thoughtful column titled, "Elizabeth Warren can be a friend, but she isn't a Cherokee citizen."¹⁵ He is right. I acknowledge that I am not a tribal citizen, and I continue to strive to be a friend to Tribal Nations.

You made an extremely important point in your letter: "While the average American thinks of Native Americans as a racial category, we are actually political groups. Our rights are based on citizenship in sovereign Nations and those Nations' treaty relationship to the United States. But that hasn't stopped opponents to tribes from arguing that laws defending Native rights treat us differently based on race and therefore should be declared unconstitutional." I agree wholeheartedly with this point—and my track record shows it.

As you know, the insidious, spurious legal arguments you mentioned are exactly the ones being deployed to attack the Indian Child Welfare Act (ICWA).¹⁶ That is why it is important for those of us in Congress—or running for president—to reject these arguments and to defend ICWA. I was a proud original cosponsor of a resolution that commemorated the 40th Anniversary of ICWA.¹⁷ I applauded when the Fifth Circuit initially upheld the constitutionality of ICWA.¹⁸ And I am proud to have joined a congressional amicus brief in support of ICWA for its rehearing before the entire

¹³ Gyasi Ross, tweet, August 19, 2019, <https://twitter.com/BigIndianGyasi/status/1163487353400254464>.

¹⁴ Thomas Kaplan, "Elizabeth Warren Apologizes at Native American Forum: 'I Have Listened and I Have Learned,'" *New York Times*, August 19, 2019, <https://www.nytimes.com/2019/08/19/us/politics/elizabeth-warren-native-american.html>.

¹⁵ Chuck Hoskin Jr., "Elizabeth Warren can be a friend, but she isn't a Cherokee citizen," *Tulsa World*, January 31, 2019, https://www.tulsaworld.com/opinion/columnists/chuck-hoskin-jr-elizabeth-warren-can-be-a-friend-but/article_8c4b4d62-15be-536d-bb96-f33368a4488b.html.

¹⁶ Rebecca Nagle, "The Next Battleground," *This Land*, episode 8, July 22, 2019, <https://crooked.com/podcast/this-land-episode-8-the-next-battleground/>.

¹⁷ S.Res. 707 (115th Congress).

¹⁸ Elizabeth Warren, tweet, August 9, 2019, <https://twitter.com/ewarren/status/1159974097201373188>.

Fifth Circuit.¹⁹ That brief maintains that the lower-court ruling against ICWA “erroneously concluded that ICWA is predicated upon race rather than tribal affiliation.”²⁰ It cites longstanding precedent to point out that “preferences based on tribal membership are political rather than racial in nature.”²¹ I understand your argument, I agree with it, and I have worked to advance it.

Another policy area where this legal threat has surfaced is tribal housing. In May 2017, a signing statement by President Trump called Indian Housing Block Grants a “provision[] that allocate[s] benefits on the basis of race, ethnicity, and gender.”²² In March 2018, I delivered a speech to the National American Indian Housing Council (NAIHC),²³ criticizing the signing statement as “very misguided” and noting that it failed to “acknowledge the special government-to-government relationship between Washington” and Tribal Nations or the “trust responsibilities and treaty obligations” owed to them. I also cosponsored a bill to reauthorize the Native American Housing Assistance and Self-Determination Act²⁴ (which, as you know, provides those grants)—something I had also done back in 2014.²⁵ And then I went a step further: I introduced,²⁶ and then reintroduced,²⁷ my American Housing and Economic Mobility Act, which (among other things) would provide a major increase in funding for Indian Housing Block Grants. NAIHC adopted a resolution endorsing my bill.²⁸

A third policy area where the race-based argument has reared its head is in the imposition of Medicaid work requirements on tribal citizens. Although Tribal Nations urged the Centers for Medicare & Medicaid Services (CMS) to exempt Native people from the work requirements, CMS indicated that doing so would be unlawful because it would be “race based” and a “civil rights issue.” I joined colleagues on a 2018 letter strongly opposing this pernicious thinking,²⁹ saying it “fail[s] to recognize the unique legal status of Indian tribes and their members under federal law, the U.S. Constitution, treaties, and the federal trust relationship.” The letter cites longstanding precedent that “Tribes are not a racial group but rather political communities,” and objects to the “mischaracterization of the status of [American Indians and Alaska Natives] as ‘race based.’”³⁰ I stand by our letter and against attempts to undermine Tribal Nations’ unique political status.

Unfortunately, as we all know, this is not the only threat to, and challenge facing, Tribal Nations and their sovereignty. I have worked hard with colleagues and with allies in Indian Country to fully

¹⁹ En banc brief of Members of Congress as amici curiae in support of Defendants-Appellants and reversal, United States Court of Appeals for the Fifth Circuit, December 13, 2019, <https://turtletalk.files.wordpress.com/2019/12/2019-12-13-unopp-mot-to-file-amicus-brief-iso-appellants-member-s-of-congress.pdf>.

²⁰ Id. at 5.

²¹ Id. (internal quotation marks omitted).

²² Indianz.com, “Trump injects ‘race’ into debate with questions about Indian funding,” May 8, 2017, <https://www.indianz.com/News/2017/05/08/trump-injects-race-into-debate-with-ques.asp>.

²³ Elizabeth Warren, tweet, March 6, 2018, <https://twitter.com/SenWarren/status/971209388739481600>.

²⁴ S. 1895 (115th Congress), Native American Housing Assistance and Self-Determination Reauthorization Act of 2017.

²⁵ S. 1352 (113th Congress).

²⁶ S. 3503 (115th Congress).

²⁷ S. 787 (116th Congress).

²⁸ NAIHC Resolution #2019-02, May 8, 2019,

<http://naihc.net/wp-content/uploads/2019/05/NAIHC-Resolution-2019-02-Support-AHEMA.pdf>.

²⁹ Dan Diamond, “Senators rebuke Trump administration over challenge to Native Americans’ health care,” Politico, April 27, 2018, <https://www.politico.com/story/2018/04/27/trump-native-americans-health-care-senators-557857>.

³⁰ Id.

understand and to address many other issues. I hope we can work together to continue to address them, because they need attention too. In this Congress and the last, I have cosponsored 60 pieces of legislation in the interest of Tribal Nations, and I have spearheaded a number of others. I have also been deliberate about incorporating tribal provisions into my campaign plans. Here are some examples of my efforts:

- For years, I have worked to address the crisis of murdered and missing Indigenous women and girls (MMIWG). Back in 2013, soon after I took office as a senator, I joined my Democratic colleagues to insist that the reauthorization of the Violence Against Women Act (VAWA) contain new protections for Native and other victims of abuse.³¹ I cosponsored the reauthorized VAWA,³² which was signed into law in 2013 and included groundbreaking provisions that affirms tribal sovereignty.³³ I am also a cosponsor of the latest reauthorization, which would expand those tribal provisions³⁴—a step I have enthusiastically supported.³⁵

I was also an original cosponsor of Savanna's Act in 2017³⁶—leading MMIWG legislation in Congress—and I forcefully and repeatedly advocated for its passage.³⁷ I cosponsored the bill again after it was amended to be responsive to Native advocacy organizations.³⁸ Also in 2017, I cosponsored the POWER Act,³⁹ to require federal courts to work with Tribal Nations and tribal organizations to promote pro bono legal services for Native victims of domestic violence, sexual assault, and other violence. I am pleased this bill was enacted.⁴⁰

In addition, I have attempted to call attention to the MMIWG crisis, including cosponsoring the resolution for the National Day of Awareness for MMIWG,⁴¹ using my platforms to call

³¹ Anne Mostue, "Elizabeth Warren, DA Dan Conley Tout Violence Against Women Act in Boston," WGBH, February 4, 2013,

<https://www.wgbh.org/news/post/elizabeth-warren-da-dan-conley-tout-violence-against-women-act-boston>.

³² S. 47 (113th Congress).

³³ Jennifer Bendery, "At Last, Violence Against Women Act Lets Tribes Prosecute Non-Native Domestic Abusers," HuffPost, March 6, 2015, https://www.huffpost.com/entry/vawa-native-americans_n_6819526.

³⁴ S. 2843 (116th Congress).

³⁵ Elizabeth Warren, "Honoring and Empowering Tribal Nations and Indigenous Peoples," August 16, 2019, <https://medium.com/@teamwarren/honoring-and-empowering-tribal-nations-and-indigenous-peoples-720e49e1d1ca>.

³⁶ S. 1942 (115th Congress).

³⁷ See, e.g., National Congress of American Indians, "Senator Elizabeth Warren Addresses Native Heritage and Commits to Indian Country at the National Congress of American Indians 2018 Winter Session," February 14, 2018,

<http://www.ncai.org/news/articles/2018/02/14/senator-elizabeth-warren-addresses-native-heritage-and-commits-to-indian-country-at-the-national-congress-of-american-indians-2018-winter-session>; Sarah Mearhoff, "2020 candidates talk missing and murdered indigenous women two years after Savanna Greywind's disappearance," Bemidji Pioneer, August 19, 2019, <https://www.bemidjipioneer.com/news/government-and-politics/4620176-2020-candidates-talk-missing-and-murdered-indigenous-women-two-years-after-Savanna-Greywinds-disappearance>.

³⁸ S. 227 (116th Congress).

³⁹ S. 717 (115th Congress).

⁴⁰ Public Law 115-23.

⁴¹ S.Res. 401 (115th Congress); S.Res. 144 (116th Congress).

attention to this inexcusable tragedy,⁴² and publicizing the need for the federal government to do more—far more—to address the crisis and to recognize tribal sovereignty.⁴³

But I have gone even further. I am the first presidential candidate to call for a full *Oliphant* fix.⁴⁴ The federal government must recognize the inherent jurisdiction of Tribal Nations to prosecute non-Native defendants for committing crimes on tribal land, while providing Tribal Nations with enough funding to administer legal systems that deliver justice for victims and due process to criminal defendants. This will be a crucial step toward addressing the MMIWG crisis.

Two years ago, I delivered a speech to the National Congress of American Indians (NCAI).⁴⁵ In it, I noted the many inaccuracies in the fictionalized story of Pocahontas. I spoke about how the Native woman who actually lived—whose original name wasn't even Pocahontas—was a teenager when she was abducted, imprisoned, held captive, and raped in captivity. And I emphasized the importance of stopping violence against Native people and addressing MMIWG. When someone (I don't know who) directed Pocahontas.com to my homepage,⁴⁶ I worked with the National Indigenous Women's Resource Center (NIWRC) to redirect it to a page publicizing NIWRC's work⁴⁷ and educating visitors about the real Pocahontas and how her experience resonates with the experience of Native women today.⁴⁸

- To address the opioid epidemic, I introduced the CARE Act⁴⁹—a big, ambitious bill to fight the opioid and substance use crisis from coast to coast. But I know that Indian Country has been hit especially hard by the epidemic; this was hammered home for me at tribal roundtables I participated in that were hosted by the Mashpee Wampanoag Tribe in Massachusetts⁵⁰ and the Choctaw Nation in Oklahoma.⁵¹ The CARE Act includes more than \$800 million a year directly to tribal governments and organizations. It also provides them with flexibility, since meth and other substances pose bigger threats to some Tribal Nations than opioids do. I was honored that this legislation received support from the

⁴² See, e.g., Elizabeth Warren, tweet, August 16, 2019, <https://twitter.com/ewarren/status/1162363448132546561>; Elizabeth Warren, tweet, August 19, 2019, <https://twitter.com/ewarren/status/1163575292058902529>.

⁴³ See, e.g., Seattle Indian Health Board, Facebook post, November 30, 2018, <https://www.facebook.com/SeattleIndianHealthBoard/posts/1937803796318827>; She the People Forum, NBC News, April 24, 2019, <https://youtu.be/8ZXHj8ApPVY?t=9165>; Global Indigenous Council, "MMIW Campaign," <https://www.globalindigenouscouncil.com/missing-murdered-p1>.

⁴⁴ Elizabeth Warren, "Honoring and Empowering Tribal Nations and Indigenous Peoples."

⁴⁵ National Congress of American Indians, "Senator Elizabeth Warren Addresses Native Heritage and Commits to Indian Country at the National Congress of American Indians 2018 Winter Session."

⁴⁶ Eric Bradner, "Elizabeth Warren is quietly working to defang Trump's 'Pocahontas' slur as 2020 looms," CNN, May 26, 2018, <https://www.cnn.com/2018/05/26/politics/elizabeth-warren-pocahontas-trump-2020/index.html>.

⁴⁷ Elizabeth Warren, <https://elizabethwarren.com/pocahontas>.

⁴⁸ National Indigenous Women's Resource Center, "Who was Pocahontas?," <https://www.niwrc.org/who-was-pocahontas/>.

⁴⁹ S. 2700 (115th Congress); S. 1365 (116th Congress).

⁵⁰ Karen B. Hunter, "Senator Elizabeth Warren Visits Mashpee Wampanoag Health Service Unit," Mashpee Enterprise, April 21, 2018, https://www.capenews.net/mashpee/news/senator-elizabeth-warren-visits-mashpee-wampanoag-health-service-unit/article_71851085-cc47-5d9c-8d1a-ab5d92fecf00.html.

⁵¹ Choctaw Nation, "U.S. Senator Elizabeth Warren visits Choctaw Nation," June 5, 2018, <https://www.choctawnation.com/news-events/press-media/us-senator-elizabeth-warren-visits-choctaw-nation>.

many partners who helped me to design this bill correctly: the National Indian Health Board, United South and Eastern Tribes Sovereignty Protection Fund, National Council of Urban Indian Health, Seattle Indian Health Board, Native American LifeLines, Papa Ola Lōkahi, and the Navajo Nation, among others.⁵²

- Twice I have led the Native American Suicide Prevention Act, to take an important step toward addressing sky-high suicide rates in Indian Country. This bill would give Tribal Nations a seat at the table in the design and implementation of state-wide suicide prevention initiatives.⁵³ I am proud that this bill has the support of a variety of organizations across Indian Country.⁵⁴
- I have introduced the American Indian and Alaska Native Child Abuse Prevention and Treatment Act. AI/AN CAPTA will significantly increase funding for Tribal Nations to tackle child abuse. It will also ensure that Tribal Nations continue to receive resources and will gather crucial data on the subject. I worked closely with the National Indian Child Welfare Association and NCAI on this bill.
- Another issue that I've been working hard on is ensuring that states and Tribal Nations alike can set their own policies for cannabis, without federal interference. The bipartisan STATES Act I introduced will lead the way to get the federal government out of the business of illegalizing cannabis. I insisted that Tribal Nations be included in the STATES Act, because they should be able to enjoy the economic opportunities that cannabis provides if they want to. NCAI adopted a resolution in line with my bill.⁵⁵ And Suquamish Tribe Chairman Leonard Forsman wrote about his support for the bill.⁵⁶ I also made sure to include Tribal Nations in the cannabis plan my campaign recently unveiled.⁵⁷
- Among the profoundly shameful events in American history occurred on December 29, 1890, when U.S. soldiers slaughtered hundreds of Lakota men, women, and children at Wounded Knee on the Pine Ridge Indian Reservation in South Dakota during what came to be known as the Wounded Knee Massacre. Congress awarded twenty Medals of Honor

⁵² National Indian Health Board, "Senator Elizabeth Warren (D-MA) and Representative Elijah Cummings (D-MD) Reintroduce CARE Act to Address Opioid Crisis," May 23, 2019, <http://campaign.r20.constantcontact.com/render?m=1110714960954&ca=318d6dee-3b90-44da-9ef0-b822a9906639#WarrenCummings>.

⁵³ Senator Elizabeth Warren and Representative Raul M. Grijalva, "Empower tribal communities to address the suicide crisis," Indianz.com, September 18, 2018, <https://www.indianz.com/News/2018/09/18/empower-tribal-communities-to-address-th.asp>.

⁵⁴ Native News Online, "Senators Introduce Bipartisan Legislation to Address Suicide Crisis in Native Communities," September 20, 2018, <https://nativenewsonline.net/currents/senators-introduce-bipartisan-legislation-to-address-suicide-crisis-in-native-communities/>.

⁵⁵ National Congress of American Indians, "Support for a Legislative Solution that Provides Indian Country with Clarity and Certainty on Marijuana," Resolution #DEN-18-045, <http://www.ncai.org/resources/resolutions/support-for-a-legislative-solution-that-provides-indian-country-with-clarity-and-certainty-on-marijuana>.

⁵⁶ Leonard Forsman, "Congress needs to update national marijuana laws and respect tribal sovereignty," Indian Country Today, September 6, 2018, https://newsmaven.io/indiancountrytoday/opinion/congress-needs-to-update-national-marijuana-laws-and-respect-tribal-sovereignty-Wv996pNUI0Ci_wybzdcYzw.

⁵⁷ Elizabeth Warren, "A Just and Equitable Cannabis Industry," February 23, 2020, <https://elizabethwarren.com/plans/cannabis>.

to soldiers for the horrifying acts that occurred during the Wounded Knee Massacre. I am leading the Senate version of the Remove the Stain Act, which would rescind these Medals of Honor.⁵⁸ This legislation advances justice and takes a step toward righting wrongs against Native peoples. I am very grateful for the support it has received from tribal leaders and other advocates.⁵⁹ I'd promised I would introduce this bill, and I appreciated the acknowledgment by Four Directions that my "sponsorship of the Remove the Stain Act delivers on [my] promise of support at the [@4directionsvote](#) Frank LaMere Native American Presidential Forum."⁶⁰

- We must always remember that the United States is composed of land and resources taken from Native peoples, and I made this point in an op-ed with my friend and campaign co-chair, Congresswoman Deb Haaland.⁶¹ The least the federal government can do at this point is to respect and affirm Tribal Nations' sovereignty over their lands and resources. I have taken many steps to do exactly that.

Twice I have cosponsored the Save Oak Flat Act,⁶² to safeguard the sacred Apache Leap site from a copper mining project in Arizona. I cosponsored legislation to protect Chaco Canyon in New Mexico from future leasing and mineral development and have called attention to its importance.⁶³ I joined my colleagues on an amicus brief against the Trump Administration's decision to diminish the Bears Ears and Grand Staircase-Escalante National Monuments in southern Utah,⁶⁴ and I joined colleagues calling on the Trump Administration to stop developing management plans for the two sites.⁶⁵ In my plan for public lands, I also pledged that as president, I will use my Antiquities Act authorities to restore protections to both monuments.⁶⁶ I cosponsored two pieces of legislation affirming the Navajo Nation's water rights.⁶⁷

⁵⁸ S. 3164 (116th Congress).

⁵⁹ Native News Online, "Sen. Warren Introduces Legislation to Revoke Medal of Honor from Soldiers Who Slaughtered Hundreds at Wounded Knee Massacre," December 2, 2019, <https://nativenewsonline.net/currents/sen-warren-introduces-legislation-to-revoke-medal-of-honor-from-soldiers-who-slaughtered-hundreds-at-wounded-knee-massacre/>.

⁶⁰ Four Directions Native Vote, tweet, November 27, 2019, <https://twitter.com/4directionsvote/status/1199790351013339137>.

⁶¹ Deb Haaland and Elizabeth Warren, "The federal government has a responsibility to write a new chapter in the story of its government-to-government relationship with tribal nations," Indian Country Today, August 16, 2019, <https://newsmaven.io/indiancountrytoday/opinion/representative-haaland-and-senator-warren-the-federal-government-has-a-responsibility-to-write-a-new-chapter-in-the-story-of-its-government-to-government-relationship-with-tribal-nations-XCGuhzHqIkiUNhbKXPNvvg>.

⁶² S. 1375 (115th Congress); S. 173 (116th Congress).

⁶³ S.Amdt. 410 to S. 1790 (116th Congress).

⁶⁴ Scott Turner, "Amicus brief filed in bid to protect monuments, Udall says," Albuquerque Journal, November 22, 2018, <https://www.abqjournal.com/1249617/udall-amicus-brief-protects-monuments.html>.

⁶⁵ Joey Bunch, "Bennet to Trump administration: Hear from the courts before chewing on Bears Ears," Colorado Politics, April 30, 2018, https://www.coloradopolitics.com/news/bennet-to-trump-administration-hear-from-the-courts-before-chewing/article_37376dd9-3ea8-5109-9d27-809df0c268c0.html.

⁶⁶ Elizabeth Warren, "My plan for public lands," April 15, 2019, <https://medium.com/@teamwarren/my-plan-for-public-lands-e4be1d88a01c>.

⁶⁷ S. 1207 (116th Congress); S.Amdt. 706 to S. 1790 (116th Congress).

But I have gone even further than that, promising that in a Warren Administration, “absent extraordinary circumstances, respect for tribal sovereignty means that no project, development or federal decision that will have a significant impact on a tribal community, their lands, resources, members or religious practices, should proceed without the free, prior and informed consent of the Tribal Nation concerned.”⁶⁸ Based on this principle, I have called out the Navy for its expansion of Naval Air Station Fallon in Nevada,⁶⁹ and opposed the military expansion into the Desert National Wildlife Refuge.⁷⁰ I have also promised to revoke the permits for the Keystone XL and Dakota Access pipelines.⁷¹ I have also called for a new Sacred Lands Religious Freedom Restoration Act to vastly enhance Tribal Nations’ ability to stop the development, extraction, and land use decisions with respect to tribal lands.⁷²

When it comes to treaty rights and their protection of resources for Tribal Nations, I am willing to stand with Indian Country in ways others have not or will not. When the *New York Times* questioned Democratic presidential candidates on their position regarding the Makah Tribe’s treaty right to engage in whaling, I was the only one to respond, and I was unambiguous: the federal government must honor its agreement with the Makah Tribe and approve the Tribal Nation’s request to hunt and fish.⁷³

A land base is crucial for Tribal Nations’ sovereignty and economic development. This is why I have supported legislation to provide a clean fix to the 2009 Supreme Court case *Carcieri v. Salazar*,⁷⁴ to reaffirm the authority to take land into trust for all tribal nations equitably and to ensure that existing land in trust will remain that way. It is also why my legislative proposal with Deb Haaland for the Honoring Promises to Native Nations Act includes a large infusion into the Trust Land Consolidation Fund for buybacks of fractionated land.⁷⁵

In August, I unveiled my platform and legislative proposal to empower Tribal Nations and Indigenous peoples.⁷⁶ I am deeply grateful to the many people across Indian Country who helped me get the provisions right. My plan includes:

- Ensuring that the United States’s sacred trust and treaty obligations are respected as the law of the land—binding legal and moral principles that are not merely slogans, but instead

⁶⁸ Elizabeth Warren, “Honoring and Empowering Tribal Nations and Indigenous Peoples.”

⁶⁹ Elizabeth Warren, tweet, January 15, 2020, <https://twitter.com/ewarren/status/1217519420718944256>.

⁷⁰ Daniel Rothberg, “Warren opposes proposed military expansion into the Desert National Wildlife Refuge,” Nevada Independent, September 10, 2019, <https://thenevadaindependent.com/article/warren-opposes-proposed-military-expansion-into-the-desert-national-wildlife-refuge>.

⁷¹ Elizabeth Warren, “Honoring and Empowering Tribal Nations and Indigenous Peoples.”

⁷² Id.

⁷³ John Eligon, “A Native Tribe Wants to Resume Whaling. Whale Defenders Are Divided,” New York Times, November 14, 2019, <https://www.nytimes.com/2019/11/14/us/whale-hunting-native-americans.html>.

⁷⁴ S. 2808 (116th Congress). See also Elizabeth Warren, “Honoring and Empowering Tribal Nations and Indigenous Peoples.”

⁷⁵ Valerie Volcovici, “Democrat Elizabeth Warren floats plan to empower Native Americans,” Reuters, August 16, 2019, <https://www.reuters.com/article/us-usa-election-warren-tribes/democrat-elizabeth-warren-floats-plan-to-empower-native-americans-idUSKCN1V61C6>.

⁷⁶ Elizabeth Warren, “Honoring and Empowering Tribal Nations and Indigenous Peoples.”

reinforce the solemn nation-to-nation relationships with Tribal Nations.

- Elevating tribal priorities to the highest levels of the federal government by creating a permanent, cabinet-level White House Council on Native American Affairs, a new White House Budgetary Office of Tribal Affairs, and more.
- Ensuring that Native people have full and equal access to American democracy, including passing the Native American Voting Rights Act to shut down discriminatory practices, and making voting convenient and secure.
- Investing in housing, infrastructure, health care (including the Indian Health Service), economic opportunity, criminal justice and public safety, and education in Indian Country. The U.S. Commission on Civil Rights' *Broken Promises* report demonstrated chronic funding shortfalls in these areas,⁷⁷ meaning that the federal government is failing to fulfill its trust and treaty obligations. Moreover, investments for Native programs should not be left to the whims of government appropriators. They should be full, and they should be guaranteed.
- Ensuring access to high-speed internet on tribal lands, including by investing billions of dollars specifically for Tribal Nations to expand broadband access.
- Promoting access to credit in Indian Country by bolstering Native Community Development Financial Institutions and a Small Business Equity Fund to fully close the startup capital gap for Black, Latinx, and Native entrepreneurs.

I offer these details about some of the actions I have taken to make it clear I intend to prove my commitment through deeds and not just words. I appreciate the dozens of statements of support that Deb's and my legislative proposal received.⁷⁸ I also appreciate the praise my campaign's plan has received from Native policy experts, writers, and others. Matthew Fletcher, director of the Indigenous Law and Policy Center at Michigan State University College of Law, said that implementation of my plan "would be a massive step toward the fulfillment of the trust responsibility."⁷⁹ OJ Semans, Co-Executive Director of Four Directions, "applauded [my] proposals."⁸⁰ Raina Thiele, who worked for the Obama White House as the liaison for Tribal Nations and the American Indian and Alaska Native community, called it a "great policy statement ... one of the best I've ever seen."⁸¹ Gyasi Ross, whom I mentioned earlier, praised my commitment to the *Oliphant* fix, saying I had "the most thorough plans to fix something" he sees

⁷⁷ U.S. Commission on Civil Rights, *Broken Promises: Continuing Federal Funding Shortfall for Native Americans*, December 2018, <https://www.usccr.gov/pubs/2018/12-20-Broken-Promises.pdf>.

⁷⁸ Meteor Blades, "Sen. Warren & Rep. Haaland unveil plan to fulfill U.S. obligations to Native tribes and peoples," Daily Kos, August 16, 2019, <https://www.dailykos.com/stories/2019/8/16/1879477/-Sen-Warren-Rep-Haaland-unveil-plan-to-fulfill-U-S-obligations-to-Native-tribes-and-peoples>.

⁷⁹ Rory Taylor, "6 Native leaders on what it would look like if the US kept its promises," Vox, September 23, 2019, <https://www.vox.com/first-person/2019/9/23/20872713/native-american-indian-treaties>.

⁸⁰ Cheyenne Haslett and Sasha Pezenik, "Sen. Elizabeth Warren at Native American forum: 'I am sorry for harm I have caused,'" ABC News, August 19, 2019, <https://abcnews.go.com/Politics/sen-elizabeth-warren-rolls-policy-native-american-communities/story?id=65008925>.

⁸¹ Raina Thiele, tweet, August 16, 2019, <https://twitter.com/RThiele/status/1162394639313379328>.

“as the root of a lot of pain within Native communities,”⁸² and commended my plan to commit to a cabinet-level position for Native affairs.⁸³ Northern Arapaho Tribe citizen Layha Spoonhunter also praised my platform as the most comprehensive.⁸⁴

I see all of this as the continuation of years of work. It’s why Walker River Paiute Tribe Chairman Amber Torres wrote, “Elizabeth is a proven partner for Indian Country who has been a strong ally to tribal nations.”⁸⁵ It’s why Eastern Band of Cherokee Indians Principal Chief Richard Sneed said, “Senator Warren has demonstrated her respect for tribal sovereignty and is an ally of the Eastern Band. As such, we support her and other allies—regardless of party—who promote tribal sovereignty, tribal self-determination, and protection of Cherokee women.”⁸⁶ And it’s part of why Deb Haaland agreed to be my campaign co-chair. (Deb is, to the best of my knowledge, the first Native co-chair of a major presidential campaign.) You wrote in your letter, “Accountability is not just admitting you made a mistake but working to correct the harm it caused.” I agree, and I hope this letter helps make clear that I have been working hard—not just to make amends, but because each of these policies are the right policies for every member of Congress to support. And I promise to continue that work.

Your letter noted that I “still defend [my]self by stating [I] believed what [I] heard growing up.” But when I talk about my family story now, I am offering an explanation, not a defense. Many people do not know that I—an elected official from Massachusetts—grew up in Oklahoma, or that my brothers and I had been told family stories. This is important context—important to fully understanding what I did, why I did it, and why I have apologized repeatedly. This is context that everyone seemed to understand when I received a positive reaction to my speech to NCAI in February 2018⁸⁷—a speech that described my family’s story and its importance to me.

In 2018, after I took a DNA test, Pawnee Nation citizen Crystal Echo Hawk wrote an op-ed that really stuck with me. “I believe Elizabeth Warren has made some real mistakes and she needs to do a lot better,” Crystal wrote.⁸⁸ I agree with her, and I’ve been trying. She also wrote, “She’s not claiming tribal citizenship. But the majority of Americans don’t know enough about Native people to understand this distinction.” I agree with that too, and I hope my mistakes and my apologies have helped improve Americans’ understanding of the importance of tribal citizenship and tribal

⁸² Gyasi Ross, tweet, September 4, 2019, <https://twitter.com/BigIndianGyasi/status/1169312313855434753>.

⁸³ Gyasi Ross, tweet, August 18, 2019, <https://twitter.com/BigIndianGyasi/status/1163193314813702144>

⁸⁴ Savannah Maher, “Wind River Voters Carefully Watching The Native American Presidential Forum,” Wyoming Public Media, August 20, 2019, <https://www.wyomingpublicmedia.org/post/wind-river-voters-carefully-watching-native-american-presidential-forum#stream/0>.

⁸⁵ Amber Torres, “A Warren administration will be a strong partner for Indian Country,” Indian Country Today, November 26, 2019, <https://newsmaven.io/indiancountrytoday/opinion/a-warren-administration-will-be-a-strong-partner-for-indian-country-gCXBAqOt-0y4Lh0uxv7Btg>.

⁸⁶ Levi Rickert, “Eastern Band of Cherokee Chief: Sen. Warren Does Not Claim Tribal Citizenry; Only Tribal Ancestry,” Native News Online, October 18, 2018, <https://nativenewsonline.net/currents/eastern-band-of-chokeee-chief-sen-warren-does-not-claim-tribal-citizenry-only-tribal-ancestry/>.

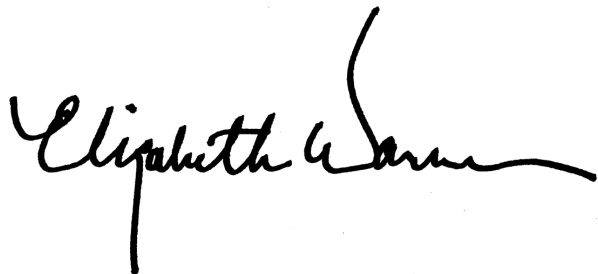
⁸⁷ Indianz.com, “Tribal leaders cheer surprise speaker as meeting in D.C. winds down,” February 14, 2018, <https://www.indianz.com/News/2018/02/14/tribal-leaders-cheer-surprise-speaker-as.asp>.

⁸⁸ Crystal Echo Hawk, “Changing Elizabeth Warren's story to one about Native America,” Indian Country Today, October 18, 2018, <https://newsmaven.io/indiancountrytoday/opinion/changing-elizabeth-warren-s-story-to-one-about-native-america-pG7k5kLvkkKfeb023EFHqA>.

sovereignty. I will continue to talk about this, and I will continue to listen and learn from tribal citizens about these points. Crystal adds, “As a tribal citizen of the Pawnee Nation, I will support [Warren] because she has never claimed tribal citizenship and she clearly supports tribal sovereignty and the inherent rights of tribes to determine our citizenship.” I am very glad she feels that way, because I will continue to fight in defense of tribal sovereignty. Crystal described how the groundbreaking research by the Reclaiming Native Truth project revealed “how invisibility, erasure, stereotypes and false narratives fit the stories being told right now about Elizabeth Warren, Donald Trump, and Native people in the 21st century.” I am very sorry to have played any role in contributing to the invisibility of Native peoples. Crystal promised to hold me accountable, and I welcome her accountability—and yours. I also welcome a conclusion she offered: “My experience working with the Reclaiming Native Truth Project Research has taught me that we have more to gain from working with allies and educating them than trying to destroy them.”⁸⁹

As I said, I believe in accountability, but accountability is a methodology—not an ideology. It means little to believe in it if we do not practice it, so I am grateful for your willingness to hold me accountable and for the opportunity to have had this courageous conversation. I know this kind of engagement only happens with people you expect more from, and I am grateful to be one of those people. Please continue to expect more from me, and I will continue to dedicate myself to living up to it.

In gratitude,

A handwritten signature in black ink that reads "Elizabeth Warren". The signature is written in a cursive, flowing style with a long, sweeping underline.

⁸⁹ Id.