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INDIAN CHILD WELFARE PROGRAM

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HEARINGS

BEFORE THE

SUBCOMMITTEE ON INDIAN AFFAIRS

OF THE

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS UNITED STATES SENATE

NINETY-THIRD CONGRESS

SECOND SESSION

ON

PROBLEMS THAT AMERICAN INDIAN FAMILIES FACE IN RAISING THEIR CHILDREN AND HOW THESE PROBLEMS ARE AFFECTED BY FEDERAL ACTION OR INACTION

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APRIL 8 AND 9, 1974

Printed for the use of the
Committee on Interior and Insular Affairs

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INDIAN CHILD WELFARE PROGRAM

MONDAY, APRIL 8, 1974

U.S. SENATE,
SUBCOMMITTEE ON INDIAN AFFAIRS,
OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C.

The subcommittee met at 9 a.m., pursuant to notice, in room 3110 Dirksen Office Building, Hon. James Abourezk presiding.

Present: Senators Abourezk and Bartlett.

Also present: Jerry T. Verkler, staff director, and Forrest Gerard, professional staff member.

OPENING STATEMENT OF HON. JAMES ABOUREZK, A U.S. SENATOR FROM THE STATE OF SOUTH DAKOTA

Senator ABOUREZK. The Indian Affairs Subcommittee hearings on Indian child welfare is now in session.

We have called these hearings today to begin to define the specific problems that American Indian families face in raising their children and how these problems are affected by Federal action or inaction. Many Americans and the Congress are becoming more aware of the difficulties Indian communities face in a broad range of areas: Health, education, land and water rights, economic development, among others. But there are few who are knowledgeable about the difficulties American Indians face in a matter of vital concern to them; namely the welfare of their children and their families.

It appears that for decades Indian parents and their children have been at the mercy of arbitrary or abusive action of local, State, Federal, and private agency officials. Unwarranted removal of children from their homes is common in Indian communities. Recent statistics show, for example, that a minimum of 25 percent of all Indian children are either in foster homes, adoptive homes, and/or boarding schools, against the best interest of families, tribes, and Indian communities. Whereas most non-Indian communities can expect to have children out of their natural homes in foster or adoptive homes at a rate of 1 per every 51 children, Indian communities know that their children will be removed at rates varying from 5 to 25 times higher than that.

Because of poverty and discrimination Indian families face many difficulties, but there is no reason or justification for believing that these problems make Indian parents unfit to raise their children; nor is there any reason to believe that the Indian community itself cannot, within its own confines, deal with problems of child neglect when they do arise. Up to now, however, public and private welfare agencies seem to have operated on the premise that most Indian children would

really be better off growing up non-Indian. The result of such policies has been unchecked, abusive child-removal practices, the lack of viable, practical rehabilitation and prevention programs for Indian families facing severe problems, and a practice of ignoring the all-important demands of Indian tribes to have a say in how their children and families are dealt with. Officials would seemingly rather place Indian children in non-Indian settings where their Indian culture, their Indian traditions and, in general, their entire Indian way of life is smothered. The Federal Government for its part has been conspicuous by its lack of action. It has chosen to allow these agencies to strike at the heart of Indian communities by literally stealing Indian children, a course which can only weaken rather than strengthen the Indian child, the family and the community. This, at a time when the Federal Government purports to be working to help strengthen Indian communities. It has been called cultural genocide.

Over the next 2 days we will hear from Indian parents, Indian children, national Indian leaders, as well as Indian and non-Indian professionals from around the country. From what we learn from them this committee hopes to be able to propose Federal action that will provide Indian communities and parents with the tools and the legal means to protect and develop their families. A number of urgent questions need to be answered; among them, what are the facts concerning child welfare practices by governmental and non-governmental agencies in Indian communities? What are Indian people seeking to do to change the situation? How can the Congress support this effort?

Underlying the answers to these questions are further questions about Federal responsibility and past Federal action in this regard. First, why has the Federal Government, under the auspices of the Bureau of Indian Affairs and the Department of Health, Education, and Welfare not been active, or not been active enough, in supporting and protecting Indian families? Why do State welfare departments, which receive substantial amounts of Federal moneys for the welfare of Indian children, continue to take actions which appear to be against the best interests of those children and families that the funds are intended to support? Why do the Bureau of Indian Affairs and the Department of Health, Education, and Welfare have no adequate family rehabilitation and protection programs in Indian communities? Why is it that BIA and HEW, by their silent complicity, continue to fund State welfare programs which act unlawfully toward Indian families and children?

We do not mean to suggest in these hearings that Indian families and Indian communities, like all communities throughout the country are not going to continue to have problems. What we do want to suggest is that the pattern of discrimination against American Indians is evident in the area of child welfare, and that it is the responsibility of the Congress to take whatever action is within its power to see to it that American Indian communities and their families are not destroyed; to see to it that Indian people receive equal justice and the support of the Federal Government. We are committed to a course in Indian child welfare which will eliminate present abuses and injustices and which will begin the long, overdue process of helping, rather than handicapping Indian children and their families.

The first witness this morning will be Mr. William Byler, executive director of the Association on American Indian Affairs, and the staff attorney for that association, Bert Hirsch. I'd like them to come forward.

We'd like to welcome both of you to the hearings this morning and I want, first of all, to thank you for the work of your association and that you, individually, have done in the area of protection of Indian rights and the interest you've shown in the planning efforts you've made in this area of Indian welfare rights with respect to Indian families and Indian children, and we will be pleased to hear your testimony.

STATEMENT OF WILLIAM BYLER, EXECUTIVE DIRECTOR, ASSOCIATION ON AMERICAN INDIAN AFFAIRS; ACCOMPANIED BY BERT HIRSCH, STAFF ATTORNEY

Mr. BYLER. Thank you, Senator Abourezk.

My name is William Byler, executive director of the Association on American Indian Affairs, a nonprofit citizens' organization whose policy is set by a board of directors, a majority of whom are Indian.

We have been hoping to have such a hearing as this for 6 or 7 years and we thank you for your initiative in bringing this about.

I have a rather extended statement which I'd like to have included in the record.

Senator ABOUREZK. That will be accepted for the record.

Mr. BYLER. Thank you.

The wholesale removal of Indian children from their homes, we believe, is perhaps the most tragic aspect of Indian life today. We would like to examine the extent of that tragedy, look at some of its causes and the impact that it has on Indian family and community life and make some recommendations for remedial action.

Surveys of States with large Indian populations, as you point out, show that about 25 percent of all American Indian children are taken away from their families. In some States this is getting worse. For example, in Minnesota, presently, approximately 1 out of every 8 Indian children is in an adoptive home, but as recently as 1971 and 1972, 1 out of every 4 Indian children born that year was placed into adoption.

The disparity in rates for Indian adoption and non-Indian adoption is truly shocking. I'd like to read some of the statistics. In Minnesota, Indian children are placed in foster or in adoptive homes at the rate of five times, or 500 percent greater than non-Indian children.

In South Dakota, 40 percent of all adoptions made by the State's department of public welfare since 1968 are of Indian children, yet Indian children make up only 7 percent of the total population.

The number of South Dakota Indian children living in foster homes is per capita nearly 1,600 percent greater than the rate of non-Indians.

In the State of Washington, the Indian adoption rate is 19 times, or 1,900 percent greater and the foster care rate is 1,000 percent greater than it is for non-Indian children.

In Wisconsin, the risk of Indian children being separated from their parents is nearly 1,600 percent greater than it is for non-Indian children.

Just as Indian children are exposed to these great hazards, their parents are too.

The Federal boarding school program also accounts for enormous numbers of Indian children who are not living in their natural homes. The Bureau of Indian Affairs census, the school census, for children enrolled in the schools in 1971 indicated that there were approximately 35,000 Indian children living in boarding schools in grades kindergarten through 12.

This represents more than 17 percent of the Indian school-age population of federally-recognized reservations and 60 percent of the children enrolled in BIA schools. In some tribes this hits particularly hard, for example the Navajo where between 80 and 90 percent of all Navajo children from grades kindergarten through 12 attend boarding schools. That amounts to, in the case of the Navajo, about 20,000 children.

It has been argued that the Navajo youngsters, 5, 6 and 7 years old go to boarding schools because there are no roads available. If so, let's build roads. But the same children that are not able to get to kindergarten or first grade because there are no roads, travel roads to get to Head Start classes. Ninety percent of them are in Head Start classes.

It is argued, in the case of boarding schools, that Navajo children don't have adequate food and clothing. Let's bring the food and the clothing to the children and not the children to the food and clothing.

It is clear then that the Indian child welfare crisis is of massive proportions and affecting the people at a more severe rate than non-Indian people.

How do we account for these appalling statistics? I think one of the factors is the standards that are used in judging whether or not a family is fit.

A survey of a North Dakota tribe indicated that, of all the children that were removed from that tribe, only 1 percent were removed for physical abuse. About 99 percent were taken on the basis of such vague standards as deprivation, neglect, taken because their homes were thought to be too poverty stricken to support the children.

The people who apply the standards very often lack the training, professional training, to judge accurately whether or not the children are, in fact, suffering emotional damage at home. They are not equipped sufficiently in the knowledge of Indian cultural values or social values, or norms, to know whether or not the behavior an Indian child or an Indian parent is exhibiting is, in fact, abnormal behavior in his own society.

For example, they may consider the children to be running wild. They assume neglect. In many cases, it may simply be another perspective on child-rearing, placing a great deal of responsibility on the child for his own behavior and, in fact, an effective way of raising children.

The use of alcohol is also advanced in the case of removing Indian children from their families. In some of the communities, as much as 50 to 60 percent of the people have drinking problems. This is acknowledged by the tribes themselves, studied by the tribes themselves and is of great concern to them. But that standard has not been applied as casually against non-Indian parents.

Once again, cultural factors come in here. The interpretation of the abuse of alcohol by non-Indian social workers, those that are not familiar with the dynamics of Indian society, is often based on the assumption that the pattern of drinking of an Indian person reveals the same kind of personality disorders that it does in a non-Indian

person. There's been a good deal of evidence to show that the drinking patterns, and what that says about the behavorial patterns and the abilities of Indian parents to raise their children are quite different than they are for non-Indians.

The discriminatory standards applied against Indian parents and against their children in removing them from their homes are also applied against Indian families in their attempts to obtain Indian foster or adoptive children. Nationally, about 85 percent of Indian children are placed in either a white foster home or white adoptive homes.

In Minnesota, 90 percent of the adopted Indian children are in non-Indian homes.

I think one of the primary reasons for this extraordinary high rate of placing Indian children with non-Indian families rather than in Indian homes is that the standards are based upon middle-class values; the amount of floor space available in the home, plumbing, income levels. Most of the Indian families cannot meet these standards and the only people that can meet them are non-Indians.

We believe that there are other factors—such as the ability to grow up in the community where you have a number of relatives, where you're within your own culture—which are more important than indoor plumbing.

In addition to the failure of standards, we have a breakdown in due process. Few Indian parents, few Indian children are represented by counsel in custody cases. Removal of these children is so often the most casual kind of operation, with the Indian parents often not having any idea of what kind of legal recourse or administrative recourse is available to them.

The employment of voluntary waivers by many social workers means that many child welfare cases do not go through any kind of a judicatory process at all. The Indian person has to come to a welfare agency for help; that welfare agency is in the position to coerce that family into surrendering the children through a voluntary waiver.

The Indian family is also placed in jeopardy by the fact of going to a welfare department for help, just to get enough money to live on and money that they're entitled to under law. This exposes that family to the investigations of the welfare worker to see how that family conducts itself; and, welfare departments originate most of the complaints against Indian families and exercise a kind of police power. We think this is an inappropriate way of administering the laws.

There are certain economic incentives for removing Indian children. Agencies that are established to place Indian children have a vested interest in finding Indian children to place. It's interesting to note that in many cases, the rate of non-Indian people applying for Indian children for foster care, or especially adoptive care, raises dramatically when there is an Indian claims settlement.

It has been alleged by some tribal leaders that, especially in rural communities where non-Indian farm families may have a difficult time in making ends meet, some foster parents have an economic incentive, make a net gain by bringing Indian children into the family and using the foster care payments for general family support, and also have extra hands to help around the farm.

Finally, in the boarding school cases, there is a powerful economic interest. Not too long ago, in the Great Plains, a concerned Bureau of Indian Affairs welfare worker at rather a high level, thought it would be best to close down one of the boarding schools there, and, indeed, succeeded in reducing the enrollment of that school by 50 percent. That had the support of the congressional delegation.

During this process, however, the merchants began to complain and congressional intervention helped to halt the phasing out of the school and its full enrollment was restored. This, I believe, was in the 1950's. Its full enrollment was restored, and, indeed, it's operating today.

Again, in the case of the attempted closing of the Intermountain School, there were severe protests by merchants in the community, despite the fact that the Navajo Tribe asked to have the school closed down. It is a place where a large number of Navajo children are boarded.

I'd like to turn now to the impact that this has on Indian families. In a recent study, "A Long Way from Home" by Judith Kleinfeld she also observes that the boarding home program and regional high school program for Alaska Natives are "helping to destroy a generation of village children."

I'd like to read from some of her findings. She reports that the high school experience of these Alaska Native children led to school-related social and emotional problems in 76 percent of the students in the rural boarding home program, 74 percent of the students in the boarding school and 58 percent of the students in the urban boarding home program.

She found that:

> The majority of the students studied either dropped out of school and received no further education or else transferred from school to school in a nomadic pattern that created other severe identity problems.

She adds that the high school program created other costs:

> Identity confusion which contributed to the problems many students had in meeting the demands of adult life. Development of self-defeating styles of behavior and attitudes. Grief of village parents, not only at their children's leaving home, but also at their children's personal disintegration away from home.

The average program-operating costs of running this program was $5,000 per student. Surely, we must be able to find better ways to spend the money than this.

The National Institute of Mental Health publication, "Suicide, Homocide, and Alcoholism Among American Indians," reports:[1]

> The American Indian population has a suicide rate about twice the national average. Some Indian reservations have suicide rates at least five or six times that of the Nation, especially among younger age groups. While the national rate has changed but little over the last three decades, there has been a notable increase in suicide among Indians, especially in the younger age groups.

The report then singles out nine social characteristics of Indians most inclined to completed suicide. I think two of these are pertinent here: He has lived with a number of ineffective or inappropriate parental substitutes because of family disruption, and he has spent time in boarding schools and has been moved from one to another.

In our efforts to make Indian children white, I think it's clear that we're destroying them. In attempting to remove Indian children from communities of poverty, I think we help to create the very conditions

of poverty. When we remove children from the home or disrupt family life—with families as the basic economic, health care, and educational unit in human life—when you break that up, you impede the ability of the child to grow, to learn, for himself, or herself, to become a good and responsible parent later.

We have certain recommendations, in a general sense, that we would like to lay before you.

Mr. Hirsch will present some more specific recommendations that we believe could be acted upon by Congress this year without any kind of significant question of committee jurisdictions, and we believe are uncontroversial.

We offer the following summary recommendations. Congress should enact such laws, appropriate such moneys, and declare such policies as would:

(1) Revise the standards governing Indian child welfare issues, to provide for a more rational and humane approach to questions of custody; and to encourage more adequate training of welfare officials;

(2) Strengthen due process by extending to Indian children and their parents the right to counsel in custody cases and the services of expert witnesses, subjecting voluntary waivers to judicial review, and encouraging officers of the court who consider Indian child-welfare cases to acquaint themselves with Indian cultural values and social norms;

(3) Eliminate the economic incentives to perpetuating the crisis;

(4) End coercive detribalization and assimilation of Indian families and communities and restore to Public Law 280 tribes their civil and criminal jurisdiction;

(5) Provide Indian communities with the means to regulate child-welfare matters themselves;

(6) Provide Indian communities with adequate means to overcome their economic, educational, and health handicaps;

(7) Provide Indian families and foster or adoptive parents with adequate means to meet the needs of Indian children in their care;

(8) Provide for oversight hearings with respect to child-welfare issues on a regular basis and for investigation of the extent of the problem by the General Accounting Office;

(9) End the child-welfare crisis, both rural and urban, and the unwarranted intrusion of Government into Indian family life.

The ultimate of responsibility, of course, must properly rest with the American Indian tribes and urban communities, the Indian people themselves. And where they learn the extent of the problem, where they get the information, and where they have even the most modest means to do something about it, they do something about it.

For example, in the last 3 or 4 years, child placement off the reservation has virtually ceased at the Warm Spring Reservation, Lake Traverse Reservation, and the Blackfeet Reservation. Given the opportunity to try to develop their own, more effective programs for working with families and children, I cite, for example, the programs at Devils Lake Sioux, the Eastern Band of Cherokee, the Winnebago of Nebraska, and the Wisconsin American Indian Child Welfare Service Agency.

The training of Indian lawyers, teachers, judges, boarding school professionals, social workers, pediatricians, medical health professionals, and professional foster parents is also important.

Congress has already enacted new and important measures to assist Indian communities, including the Indian Education Act, the Indian Financing Act, the Indian Self-Determination and Education Reform Act, and the Indian Health Care Improvement Act, and these have been acted upon or are under consideration by the Senate.

We believe that it's time now for the Senate and the Congress as a whole to address itself to these issues. Measured in numbers, measured in terms of human suffering, and as a measure of the condition of our society and our Government, the child welfare crisis is appalling.

We believe that the American people will support whatever actions are needed. For example, in one community in New York, 20,000 citizens signed petitions asking for child welfare oversight hearings for American Indian people, and volunteers there raised the money and made it possible for a number of the witnesses that are appearing here today to come at all.

This problem does not affect Indians alone. Indians, blacks, Chicanoes, and the poor are exposed to extraordinary risks; and if an Indian child, or one child at all is threatened with removal unjustly, then it threatens all children.

I'd like to think of the words of John Wooden Legs who said, there's only one child and her name is children.

Thank you, sir.

Senator ABOUREZK. Thank you very much, Mr. Byler, for some excellent testimony. I just have a couple of questions before Mr. Hirsch makes his comments.

Can you describe how removal of Indian children in adoption situation is accomplished?

Mr. BYLER. I can cite certain kinds of experiences that we have had. One case, not too long ago in North Dakota, Indian children were living with their grandparents. Their grandmother was off doing the shopping. The grandfather was 3 miles away with a bucket getting water. While they were away, the social worker happened by at that time and found the children scrapping. When grandfather returned, the children were gone, and I don't know whether, in that case, he was ever successful in finding where the children were. I think they were placed for adoption somewhere.

When that happens, Indian parents or grandparents are told this is confidential information. We cannot disclose to you where your children are. This makes is seem impossible for them to even try to do anything about it.

Senator ABOUREZK. You mean the children were taken from the home and the grandparents never were allowed to see them again or to try to fight the actions?

Mr. BYLER. That is correct, and as far as they knew, they never received any notice that there were proceedings against them or against the parents.

This is very often the case, there is no notice given, or if notice is given, it is in such a form that the people who get the notice don't understand it. It does not constitute a real notice.

You'll hear testimony today, and tomorrow, from some of the Indian victims who will be able to describe much more pointedly the experiences that they have gone through.

Very often, children are taken simply by the welfare worker intervening when seeing a situation that she, personally, disapproves of out of her own value system, out of her own interpretation of behavior.

For example, we defended one Indian teenager, a Sioux, who was living at a boarding school at Pine Ridge and decided she wanted to go to the Rosebud boarding school. She didn't like that and went back and tried to get back into the Pine Ridge boarding school. The social welfare worker intervened and tried to send her to a State training institution.

Senator ABOUREZK. Just because she wanted to change schools?

Mr. BYLER. That's right.

Senator ABOUREZK. Are there any States in which the State welfare workers are given training in Indian values or Indian culture?

Mr. BYLER. I don't know that they are given training in Indian values, Indian culture. I don't know of any that are. We can't believe that it is generally effective if it is given, because of the figures we see. There are Indian communities, or tribes or individual BIA social workers who do a fantastic job. There's one community, an Apache community, in New Mexico that had a large number of Indian children out of the reservation. A BIA welfare worker was appointed and those children were brought back in, those that had not been placed for adoption, and few children there are placed off the reservation today. But then, there was a strong tribal input, a compassionate and concerned BIA welfare worker, and when you have that kind of combination, it works.

Senator ABOUREZK. Would you recommend that as one alternative, that the BIA, or some other agency, supervise a program that would, at least, make social workers aware that perhaps Indian people do have different standards and different values of their own?

Mr. BYLER. Yes. I would say, to train the welfare worker, to train the judges and to provide education for attorneys working in the community.

More importantly, if, for example, under title I of S. 1017, Indian tribes contract for and operate the whole child welfare apparatus themselves, if they have tribal welfare committees that function to determine whether or not a child should even be recommended for removal and a tribal court passes on this or some tribal agency passes on this question, that's the answer.

A part of the answer is not to orient non-Indian social workers, although that can be helpful and necessary, but to have far more Indian social workers.

Senator ABOUREZK. Did I understand you to say during your testimony that as far as reasons for removal of Indian children from the families are concerned, that alcohol problems in a family was given in only 1 percent of the removal?

Mr. BYLER. Physical abuse, the beating of a child, child battering, was cited in 1 percent of the cases. All the others were based upon somebody judging Indian behavior or the environment in the home.

For example, there is often the case that a welfare worker will see a father, let's say, or a mother every weekend going to the local bar, and maybe spending the night in jail for public intoxication. That is assumed to be grounds for removal, but there is never any need for

proof, professionally demonstrated, that that mother or father's behavior is actually damaging the child. In fact, it could be argued in some cases that because the parent has enough problems in life and has found no better outlet for them, or for resolving the problems, getting drunk Friday night may be the best thing that can happen to him or his kids.

Another kind of thing that can be advanced for taking children away from their families is immoral conduct, and yet there's never any evidence to demonstrate in this case or that case that the behavior of the parent is damaging that child. Immoral conduct is often judged by the wildest stretches of the imagination.

For example, on one reservation more than 50 percent of the people live in common-law situations. These unions have lasted 5, 10, 15 years. The people don't have enough money to afford divorces and they want a family life, so they live with a person for 5, 10, 15 years. Police will sometimes, then, make a sweep of a whole reservation and arrest the people that are living in illicit cohabitation. People living in illicit cohabitation are subject to having their kids taken away from them.

Senator ABOUREZK. I wonder if this may not be a question better reserved for some of the professional psychologists that we have coming up, but I will ask you. You don't have to answer it if you cannot.

If you know, what is the effect on the Indian family of this kind of removal?

Mr. BYLER. I think they will, in fact, give documentation on that, but what we have observed is that by taking the child away from the parents, you remove the main incentive for those parents to fight to try to overcome the difficult circumstances they have.

Taking children away does not cure alcoholism. It may aggrevate alcoholism. Taking children away does not encourage somebody to take a job, but discourages him. He may see no point in having a job.

Senator ABOUREZK. Thank you very much, Mr. Byler.

Senator Bartlett.

Senator BARTLETT. What role does the school play in this problem that you're citing?

Mr. BYLER. The boarding school plays a great role because there are so many children taken there. Many children are sent to boarding schools, not for educational reasons. They are sent because their behavior or their family circumstance is judged in a nonadjudicatory process to warrant their placement in a BIA institution.

Now, they may in fact have emotional problems and behavioral problems, but when they get to that institution, they don't have any treatment or any kind of care that will help them. The student-staff ratio, people who give direct care to Indian children in boarding schools is 100 to 1 or greater. If a child has emotional or behavioral problems, I think those kinds of statistics suggest he may be running a greater risk at a boarding school than at home. For those children who are very young, 10 and younger, there's absolutely no educational justification for boarding children.

Senator BARTLETT. Is it your conviction that many of the Indian children do have particular, and special educational needs because of a different social system and that these needs are not being progressed in the schools to a significant degree?

Mr. BYLER. Yes. I think that's very important. I think Congress is addressing itself to those questions.

Senator BARTLETT. If the school plays such a role as part of the system to help in taking children from their families, why would it be that the Indian parents would be so strongly in favor of the Indian boarding schools, or, at least, it appears to me that they are?

Mr. BYLER. I think this is a changing thing.

Originally, they were not in favor of boarding schools, and when the Government agents 70 years ago came to haul the children off, they were resisted, sometimes by force of arms. I think, over the years, there's been so many children placed in boarding schools, it has become in many communities, a normal way of life, the way of growing up.

I think that the very fact, say as with the Navajo, that many Indian parents accept boarding schools is one of the most tragic aspects of the whole system. The tribal council today is opposed to the boarding schools, and I believe were the Indian parents informed of the emotional damage, the actual physical retardation that many of their children suffer in going to boarding schools, they would likewise be against it.

Even if 100 out of those 20,000 children that are boarded on Navajo wish to, they should have a right to go to a day school.

Senator BARTLETT. I think that gets into my next question. What do you think is the proper role of Indian boarding schools in the educational system for Indians?

Mr. BYLER. When the children are under the age of 9 or 10, I don't think they have a role. They should not exist.

In the cases of acute emotional problems, the schools should be a kind of hospital or therapeutic situation; we believe that this would be a very rare instance, as it is with population as a whole.

For children that are older, say in the high school years, the Kleinfeld studies here have demonstrated that boarding schools fail to achieve their educational objective because the children drop out. In Alaska, for example, 50 to 75 percent of the children in these boarding situations dropped out of school. It helps disorganize their personality and is extremely costly.

I think the screening process of sending the children to boarding schools should begin, at whatever age they are, to determine whether the child is being sent there for behavior or emotional disorders on some kind of bona fide basis and whether he will receive help; and second, if he's being sent there for educational purposes, to make sure he's getting an educational opportunity that justifies placement.

Senator BARTLETT. Could you answer the same question and break it down into two parts, one, fill in the educational needs and the other, filling in the emotional needs?

In other words, what role do you see the boarding school play in order to help with the emotional needs of Indian children, and what role does it play in order to help the educational needs?

Mr. BYLER. I think that the educational needs, when we're talking about children in the high school age, might be considered in the same way it is for the general population. There are boarding schools in the United States, a few, for a very small part of the population where children may be exceptionally bright or have exceptionally poor educational opportunities at home or they come from such a remote community that it's difficult to have a fully equipped high

school. I don't think that the high schools in most Indian communities are used as effective educational resources but I do not believe that the Indian children who have graduated from boarding schools show any better educational achievements than those who graduate from most Indian day schools. In some communities there might not be enough students to justify building a chemistry or biology laboratory; if that is a good enough educational reason, then that would be the kind of condition, I think, that would justify the availability, not the forced placement, but making boarding school available as an option.

In terms of filling the emotional needs of Indian high school students, those at boarding schools, I don't think it can work. It doesn't fill those needs, and in order to do it, as has been done in a model project on the Navajo Reservation, it's enormously expensive, and Congress has not seen fit to fund even this model from year to year.

So, while, as Dr. Bergman will testify later in the hearing, dramatic results can be achieved, it is expensive.

But, this, in itself is a remedial action, a substitute action to make up for the family and the community. So, there's no net gain in the emotional life of Indian children by putting them in boarding schools.

Senator BARTLETT. Do you feel that the boarding school removes some of the parental responsibility in such a way that it creates a gap between the children and the parents, in which it makes the job of the parents more difficult and harder to achieve?

Mr. BYLER. Yes; I think this is very much the case. In addition, I would say also we can really take the whole educational experience. Dr. Edward P. Dozier criticized Headstart programs for some Indian communities on the ground that an Indian child has such a short time in his life to learn how to behave in his own environment, to pick up the cultural and behavorial patterns of his parents. It was bad enough to start school at five or six because that bobtailed the opportunity the kids had to learn this. Now with Headstart in some communities, that age is down to 3 years, so these preschool experiences denied the children the opportunity to learn how to function properly in their own society.

And it demoralizes the whole functioning of families when those children who grow up in a boarding school become parents themselves and have not had the opportunity to observe normal child rearing.

In some of the early poverty programs funded under OEO, Indian tribes asked for funds to train their teenagers to be parents because they didn't know what it was like because they had been away in boarding school.

Senator BARTLETT. What should be the structure for facingup to the emotional needs of Indian children and also in meeting the educational needs?

Mr. BYLER. I believe that in terms of the educational needs, that would be contracting the Indian schools with tribes that wish to contract for those schools. Where the tribes have taken over those schools, and there are not many yet, the educational result has been dramatic.

For example, in Florida the Miccosukees had never had a school at all, none of their children attended school until 1961, or 1962. They took over their school about 4 years ago and, 1 year after the tribe

itself had taken over the school, the comparative educational achievements of the children improved by 50 percent.

Dropout rates have dramatically been reduced in the Busby school on Northern Cheyenne, and the Rocky Boy school, both of those in Montana, since Indian tribes have taken them over.

So, I do think that educational needs can be met more adequately by the Indian community controlling the schools themselves.

In terms of the emotional needs, I think perhaps one of the most central things to the emotional life of the Indian family and the Indian child, is to remove from that family the threat that their children will be taken away from them. I think this is the most dangerous aspect. It has a far greater impact on Indian emotional life than any other single factor.

I think that in societies throughout the United States, and Indian societies, not all impoverished children or families suffer this kind of family breakdown. Among the Miccosukees, children are not taken from their parents, nor among the Coushattas of Louisiana; it's unknown, the kind of breakdown that one sees in some Indian communities. It's not because of Indian poverty. There are many societies in the world that are much more poverty stricken than the average American Indian community, but exhibit little or none of the family breakdown.

I think it's a copout when people say it's poverty that's causing family breakdown. I think perhaps the chief thing is the detribalization and the deculturalization, Federal and State and local efforts to make Indians white. It hasn't worked and it will never work and one of the most vicious forms of trying to do this is to take their children. Those are the great emotional risks to Indian families.

Senator BARTLETT. Thank you very much, that's fine testimony.

Senator ABOUREZK. One more question, Mr. Byler. Since Health, Education, and Welfare supports foster home placements, have you received any encouragement at all from that agency with regard to revised criteria for grants that they make to States, which might eliminate some of the abuses that you cited in your testimony?

Mr. BYLER. We have not. They may well be contemplating that, and I hope they would revise their standards.

We would hope, under S. 1017, it would be possible for Indian tribes to gain those foster care moneys directly so they would not have to go through the State.

Senator ABOUREZK. Most of the money that goes to the State and county welfare agency comes from HEW at this point. Do you think if they did revise their criteria for adoption in foster home placement and so on, with a lever that the money would be withheld if the regulations are not carried out, do you think that would be a beneficial thing?

Mr. BYLER. Yes; a dramatic impact.

Senator ABOUREZK. Mr. Byler, thank you again.

[The prepared statement of Mr. Byler follows:]

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STATEMENT OF WILLIAM BYLER, EXECUTIVE DIRECTOR, ASSOCIATION ON AMERICAN INDIAN AFFAIRS, INC. BEFORE THE SUBCOMMITTEE ON INDIAN AFFAIRS OF THE UNITED STATES SENATE

APRIL 8, 1974

Mr. Chairman and Members of the Subcommittee:

My name is William Byler. I am Executive Director of the Association on American Indian Affairs. The Association is a national non-profit organization, founded in 1923 to assist American Indian and Alaska Native communities in their efforts to achieve full civic, social and economic equality. It is governed by a Board of Directors, a majority of whom are Native Americans. It has recently begun publishing a newsletter, Indian Family Defense, to report on the Indian child-welfare crisis.

First of all, I would like to thank the Subcommittee for calling these oversight hearings and for permitting me to appear before you.

The wholesale separation of Indian children from their families is perhaps the most tragic and destructive aspect of American Indian life today. In my testimony I will attempt to estimate the extent of the Indian child-welfare crisis, identify some of the factors contributing to it, and describe some of its destructive consequences; and I will offer suggestions for remedial action.

Surveys of states with large Indian populations conducted by the Association on American Indian Affairs in 1969 and again in 1974 indicate that approximately 25-35 per cent of all Indian children are separated from their families and placed in foster homes, adoptive homes, or institutions. In some states the problem is getting worse: in Minnesota, one in every eight Indian children under 18 years of age is living in an adoptive home; and, in 1971-72, nearly one in every four Indian children under 1 year of age was adopted.

The disparity in placement rates for Indians and non-Indians is shocking. In Minnesota, Indian children are placed in foster care or in adoptive homes at a per-capita rate five times greater (500%) than non-Indian children. In Montana, the ratio of Indian foster-care placement is at least 13 times (1300%) greater. In South Dakota, 40 per cent of all adoptions made by the State's Department of Public Welfare since 1967-68 are of Indian children, yet Indians make up only 7 per cent of the juvenile population. The number of South Dakota Indian children living in foster homes is, per capita, nearly 16 times (1600%) greater than the non-Indian rate. In the State of Washington, the Indian adoption rate is 19 times (1900%) greater and the foster-care rate 10 times (1000%) greater. In Wisconsin, the risk run by Indian children of being separated from their parents is nearly 1600 per cent greater than it is for non-Indian children. Just as Indian children are exposed to these great hazards, their parents are too.

The Federal boarding-school and dormitory programs also contribute to the destruction of Indian family and community life. The Bureau of Indian Affairs, in its school census for 1971, indicates that 34,538 children live in its institutional facilities rather than at home. This represents more than 17 per cent of the Indian school-age population of federally-recognized reservations and 60 per cent of the children enrolled in BIA schools. On the Navajo Reservation, about 20,000 children or 90 per cent of the BIA school population in grades K-12, live at boarding schools. A number of Indian children are also institutionalized in mission schools, training schools, etc.

In addition to the trauma of separation from their families, most Indian children in placement or in institutions have to cope with the problems of adjusting to a social and cultural environment much different than their own. In 16 states surveyed in 1969, approximately 85 per cent of all Indian children in foster care were living in non-Indian homes. In Minnesota today, according to State figures, more than 90 per cent of non-related adoptions of Indian children are made by non-Indian couples. Few states keep as careful or complete child-welfare statistics as Minnesota does, but informed estimates by welfare officials elsewhere suggest that this rate is the norm. In most Federal and mission boarding schools, a majority of the personnel is non-Indian.

It is clear then that the Indian child-welfare crisis is of massive proportions and that Indian families face vastly greater risks of involuntary separation than are typical of our society as a whole.

Some Causative Factors

How are we to account for this disasterous situation? The reasons appear very complex, and we realize we are far from perceiving them clearly or in their entirety. Here we can only offer a rough sketch of some of the factors. These include a lack of rational Federal and state standards governing child-welfare matters, a breakdown in due process, economic incentives, and the harsh social conditions in so many Indian communities. Our observations are based on a number of years experience working with Indian communities and in the courts in defense of Indian family life.

Standards. The Indian child-welfare crisis will continue until the standards for defining mistreatment are revised. Very few Indian children are removed from their families on the grounds of physical abuse. One study of a North Dakota reservation showed that these grounds were advanced in only 1 per cent of the cases. Another study of a tribe in the Northwest showed the same incidence. The remaining 99 per cent of the cases were argued on such vague grounds as "neglect" or "social deprivation" and on allegations of the emotional damage the children were subjected to by living with their parents. Indian communities are often shocked to learn that parents they regard as excellent care-givers have been judged unfit by non-Indian social workers.

In judging the fitness of a particular family, many social workers, ignorant of Indian cultural values and social norms, make decisions that are wholly inappropriate in the context of Indian family life and so they frequently discover neglect or abandonment where none exist.

For example, the dynamics of Indian extended families are largely misunderstood. An Indian child may have scores of, perhaps more than a hundred, relatives who are counted as close, responsible members of the family. Many social workers, untutored in the ways of Indian family life or assuming them to be socially irresponsible, consider leaving the child with persons outside the nuclear family as neglect and thus as grounds for terminating parental rights.

In the DeCoteau case, the South Dakota Department of Public Welfare petitioned a State court to terminate the rights of a Sisseton-Wahpeton Sioux mother to one of her two children on the grounds that he was sometimes

left with his sixty-nine-year-old great-grandmother. In response to questioning by the attorney who represented the mother, the social worker admitted that Mrs. DeCoteau's four-year-old son, John, was well cared for, but added that the great-grandmother "is worried at times."

Because in some communities the social workers have, in a sense, become a part of the extended family, parents will sometimes turn to the welfare department for temporary care of their children failing to realize that their action is perceived quite differently by non-Indians.

Indian child-rearing practices are also misinterpreted in evaluating a child's behavior and parental concern. It may appear that the child is running wild and that the parents do not care. What is labelled "permissiveness" may often, in fact, simply be a different but effective way of disciplining children. BIA boarding schools are full of children with such spurious "behavioral problems."

Poverty, poor housing, lack of modern plumbing, and overcrowding are often cited by social workers as proof of parental neglect and are used as grounds for beginning custody proceedings. In a recent California case, the State tried to apply poverty as a standard against a Rosebud Sioux mother and child. At the mother's bidding, the child's aunt took three-year-old Blossom Lavone from the Rosebud Reservation in South Dakota to California. The mother was to follow. By the time she arrived one week later, the child had been placed in a pre-adoptive home by California social workers. The social workers asserted that, although they had no evidence that the mother was unfit, it was their belief that an Indian reservation is an unsuitable

environment for a child and that the pre-adoptive parents were financially able to provide a home and a way of life superior to the one furnished by the natural mother. Counsel was successful in returning the child to her mother.

Ironically, tribes that were forced onto reservations at gunpoint and prohibited from leaving without a permit, are now being told that they live in a place unfit for raising their children.

One of the grounds most frequently advanced for taking Indian children from their parents is the abuse of alcohol. However, this standard is applied unequally. In areas where rates of problem drinking among Indians and non-Indians are the same, it is rarely applied against non-Indian parents. Once again cultural biases frequently effect decision-making. The late Dr. Edward P. Dozier of Santa Clara Pueblo and other observers have argued that there are important cultural differences in the use of alcohol. Yet, by-and-large, non-Indian social workers draw conclusions about the meaning of acts or conduct in ignorance of these distinctions.

The courts tend to rely on the testimony of social workers who often lack the training and insights necessary to measure the emotional risk the child is running at home. In a number of cases, the AAIA has obtained evidence from competent psychiatrists who, after examining the defendants, have been able to contradict the allegations offered by the social workers. Rejecting the notion that poverty and cultural differences constitute social deprivation and psychological abuse, the Association argues that the State must prove that there is actual physical or emotional harm resulting from the acts of the parents.

The abusive actions of social workers would largely be nullified if more judges were themselves knowledgeable about Indian life and required a sharper definition of the standards of child abuse and neglect.

Discriminatory standards have made it virtually impossible for most Indian couples to qualify as foster or adoptive parents, since they are based on middle-class values. Recognizing that in some instances it is necessary to remove children from their homes, community leaders argue there are Indian families within the tribe that could provide excellent care, although they are of modest means. While some progress is being made here and there, the figures cited above indicate that non-Indian parents continue to furnish almost all the foster and adoptive care for Indian children.

Due Process. The decision to take Indian children from their natural homes is, in most cases, carried out without due process of law. For example, it is rare for either Indian children or their parents to be represented by counsel or to have the supporting testimony of expert witnesses.

Many cases do not go through an adjudicatory process at all, since the voluntary waiver of parental rights is a device widely employed by social workers to gain custody of children. Because of the availability of the waivers and because a great number of Indian parents depend on welfare payments for survival, they are exposed to the sometimes coercive arguments of welfare departments. In a current South Dakota entrapment case, an Indian parent in a time of trouble was persuaded to sign a waiver granting temporary custody to the State, only to find that this is now being advanced as evidence of neglect and grounds for the permanent termination of parental

rights. It is an unfortunate fact of life for many Indian parents that the primary service agency to which they must turn for financial help also exercises police powers over their family life and is, most frequently, the agency that initiates custody proceedings.

The conflict between Indian and non-Indian social systems operates to defeat due process. The extended family provides an example. By sharing the responsibility of child-rearing, the extended family tends to strengthen the community's commitment to the child. At the same time, however, it diminishes the possibility that the nuclear family will be able to mobilize itself quickly enough when an outside agency acts to assume custody. Because it is not unusual for Indian children to spend considerable time away with other relatives, there is no immediate realization of what is happening--possibly not until the opportunity for due process has slipped away.

There are the simple abductions. Benita Rowland was taken by two Wisconsin women with the collusion of a local missionary after her Oglala Sioux mother was tricked into signing a form purportedly granting them permission to take the child on a short visit but, in fact, agreeing to her adoption. It was months before Mrs. Rowland could obtain counsel and regain her daughter.

It appears that custody proceedings against Indian people are also sometimes begun, not to rescue the children from dangerous circumstances, but to punish parents and children unjustly for conduct that is disapproved of. In a recent Nevada case, a Paiute mother had to go to court to recover

her children following her arrest for a motor-vehicle violation. ~~Her first arrest.~~ Parents of Nevada's Duckwater Band of Paiutes were threatened with the loss of their children when they sought to open their own school under an approved Federal grant and refused to send their children to a county-run school.

A few years ago, South Dakota tried to send an Oglala Sioux child to a State training school simply because she changed boarding schools twice in two months. In a report sent to us by a Minnesota social worker, she unashamedly recounts threatening her Indian client with the loss of her children if she is "indiscreet."

And it can be so casual--sometimes just a telephone call from an attorney or even the mere rumor that there is an attorney in the offing is enough to persuade a welfare department to drop the case. Sometimes it can be desperate. Ivan Brown was saved because the sheriff, the social worker and the prospective foster parents fled when the tribal chairman ran to get a camera to photograph their efforts to wrest him from his ~~grandmother's~~ Indian guardian's arms.

Economic Incentives. In some instances, financial considerations contribute to the crisis. For example, agencies established to place children have an incentive to find children to place. In towns with large Federal boarding facilities, merchants may fight to prevent their closing. Not long ago, in response to political intervention, one boarding school in the Great Plains was being phased out as unnecessary because the children could do better at home. The merchants complained and, again as a result of political pressure,

the full school enrollment was restored. Very recently merchants protested the proposed closing of Intermountain School with its large Navajo enrollment, despite the fact the closing was advocated by the Navajo Tribe.

The Bureau of Indian Affairs and the Department of Health, Education and Welfare bear a part of the responsibility for the current child-welfare crisis. The BIA and HEW both provide substantial funding to State agencies for foster care and thus, in effect, subsidize the taking of Indian children.

Neither the BIA nor HEW effectively monitor the use of these Federal funds. Indian community leaders charge that federally-subsidized foster-care programs encourage some non-Indian families to start "baby farms" in order to supplement their meager farm income with foster-care payments and to obtain extra hands for farm work. The disparity between the ratio of Indian children in foster care versus the number of Indian children that are adopted seems to bear this out. For example, in Wyoming in 1969, Indians accounted for 70 per cent of foster-care placements but only 8 per cent of adoptive placements. Foster-care payments usually cease when a child is adopted.

In addition, there are economic disincentives. It will cost the Federal and state governments a great deal of money to provide Indian communities with the means to remedy their situation. But over the long run, it will cost a great deal more money not to. At the very least, as a first step, we should find new and more effective ways to spend present funds.

Social Conditions. Low income, joblessness, poor health, substandard housing, and low educational attainment--these are the reasons most often cited for the disintegration of Indian family life. It is not that clear-cut. Not all impoverished societies, whether Indian or non-Indian, suffer from catastrophically high rates of family breakdown.

Cultural disorientation, a person's sense of powerlessness, his loss of self-esteem--these may be the most potent forces at work. They arise, in large measure, from our national attitudes as reflected in long-established Federal policy and from arbitrary acts of government.

The main thrust of Federal policy, since the close of the Indian wars, has been to break up the extended family, the clan structure, to detribalize and assimilate Indian populations. The practice of Indian religions was banned; children were, and sometimes still are, punished for speaking their mother tongue; even making beadwork was prohibited by Federal officials. The Dawes Act, The Indian Reorganization Act, P.L. 280, and H. Con. Res. 108 became the instruments of that policy. They represent some of our experiments to reform Indian family and community life.

One of the effects of our national paternalism has been to so alienate some Indian parents from their society that they abandon their children at hospitals or to welfare departments rather than entrust them to the care of relatives in the extended family. Another expression of it is the involuntary, arbitrary, and unwarranted separation of families.

One of the most disturbing aspects of the whole child-welfare tragedy is how little Indian resistance there is in so many cases--and how much fear.

CBS once taped an interview with an Indian women who wept that she did not dare protest the taking of her children for fear of going to jail. In the Great Plains, one Indian judge, an employee of the BIA, dumbfounded when learned she had had the power to reject the hundred custody petitions presented to her by the county welfare department, grieved that she "would not have placed one of those children off the reservation" and left her job.

But then the crisis is largely invisible--the children are gone. Over the years there has been, uniformly, a great concern among tribal officials about land and water rights, economic development, and the quality of education. In most communities, neither the BIA nor the county welfare department have deemed it necessary to report to the tribes on the extent of the crisis. In those cases where information is available, tribal governments act swiftly. Too often they lack the financial and legal means to undertake comprehensive programs.

It has already been noted that the harsh living conditions in many Indian communities may prompt a welfare department to make unwarranted placements and that they make it difficult for Indian people to qualify as foster or adoptive parents. Additionally, because these conditions are often viewed as the primary cause of family breakdown and because generally there is no end to Indian poverty in sight, agencies of government often fail to recognize immediate, practical means to reduce the incidence of neglect or separation.

As surely as poverty imposes severe strains on the ability of families

to function--sometimes the extra burden that is too much to bear--so too family breakdown contributes to the cycle of poverty.

Some Destructive Consequences. Because the family is the most fundamental economic, educational, and health-care unit in society and the center of an individual's emotional life, assaults on Indian families help cause the conditions that characterize those cultures of poverty where large numbers of people feel hopeless, powerless, and unworthy.

Parents who fear they may lose their children may have their self-confidence so undermined their ability to function successfully as parents is impaired, with the result that they lose their children. When the welfare department removes the children, it also removes much of the parents' incentive to struggle against the conditions under which they live.

Children separated from their parents may suffer such severe distress that it interferes with their physical, mental, and social growth and development.

In her recent study, A Long Way from Home, Judith Kleinfeld observes that the boarding home programs and regional high schools for Alaska Natives are "helping to destroy a generation of village children."

She reports that their high school experience led to school-related social and emotional problems in 76 per cent of the students in the rural boarding home program, 74 per cent of the students in the boarding school, and 58 per cent of the students in the urban boarding home program.

She found that "the majority of the students studied either dropped out of school and received no further education or else transferred from school to school in a nomadic pattern that can create identity problems."

Kleinfeld adds that the high school programs created other severe costs such as:

> "Identity confusion, which contributed to the problems many students had in meeting the demands of adult life."
>
> "Development of self-defeating styles of behavior and attitudes."
>
> "Grief of village parents, not only at their children's leaving home, but also at their children's personal disintegration away from home."

The average program operating costs totaled over $5,000 per student.

An NIMH publication, Suicide, Homicide, and Alcoholism among American Indians, reports: "The American Indian population has a suicide rate about twice the national average. Some Indian reservations have suicide rates at least five or six times that of the Nation, especially among younger age groups. . . While the national rate has changed but little over the last three decades, there has been a notable increase in suicide among Indians, especially in the younger age groups."

Among the nine social characteristics of the Indian most inclined toward a completed suicide, it lists:

> "He has lived with a number of ineffective or inappropriate parental substitutes because of family disruption."
>
> "He has spent time in boarding schools and has been moved from one to another."

In our efforts to make Indian children "white" we can destroy them.

RECOMMENDATIONS

It is fitting that the Congress consider these matters. It has plenary power over Indian affairs. Abuses described involve Constitutional issues. They frequently occur in the administration of Federal programs and often have the active participation or tacit approval of Federal officials. Congress has the power to help correct these abuses and to help Indian families and communities overcome the social and economic hardships they face.

Therefore, we offer the following summary recommendations. Congress should enact such laws, appropriate such monies, and declare such policies as would:

1) Revise the standards governing Indian child welfare issues, to provide for a more rational and humane approach to questions of custody; and to encourage more adequate training of welfare officials;
2) Strengthen due process by extending to Indian children and their parents the right to counsel in custody cases and the services of expert witnesses, subjecting voluntary waivers to judicial review, and encouraging officers of the court who consider Indian child-welfare cases to acquaint themselves with Indian cultural values and social norms;
3) Eliminate the economic incentives to perpetuating the crisis;

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4) End coercive detribalization and assimilation of Indian families and communities and restore to P.L. 280 tribes their civil and criminal jurisdiction;

5) Provide Indian communities with the means to regulate child-welfare matters themselves;

6) Provide Indian communities with adequate means to overcome their economic, educational, and health handicaps;

7) Provide Indian families and foster or adoptive parents with adequate means to meet the needs of Indian children in their care;

8) Provide for oversight hearings with respect to child-welfare issues on a regular basis and for investigation of the extent of the problem by the General Accounting Office;

9) End the child-welfare crisis, both rural and urban, and the unwarranted intrusion of government into Indian family life.

We recognize that these issues demand careful consideration over a considerable period of time and involve questions of committee jurisdiction.

We, therefore, also recommend a few specific, small steps forward that we believe could be undertaken by the Congress now without controversy. They are appended to this statement.

The ultimate responsibility for correcting the child-welfare crisis must rest properly with the Indian communities themselves. A number are

demonstrating today that, informed of the scope of the problem and having available even some of the means, dramatic progress can be made. Adoptive and foster-care placements out of the Indian community have virtually ceased on the Warm Springs, Lake Traverse, Blackfeet, and a number of other reservations. Given the opportunity, Indian people will initiate their own, more effective programs for families and children, such as those developed by the Devils Lake Sioux, the Eastern Band of Cherokee Indians, the Winnebago of Nebraska, and the Wisconsin American Indian Child Welfare Service Agency.

The training and employment of Indian lawyers, teachers, boarding-school personnel, social workers, pediatricians, mental health professionals, and professional foster parents is vitally important. Tribal judges and police need more adequate training.

Congress has recently enacted a number of important measures to assist Indian communities, including the Indian Education Act. It has under consideration several others, including the Indian Self-Determination and Educational Reform Act, the Indian Financing Act, and the Indian Health Care Improvement Act.

CONCLUSION

Measured in numbers, measured in terms of human suffering, and as a measure of the condition of our society and our government, the Indian child-welfare crisis is appalling.

The American public will support the remedial measures that are necessary. In one New York community alone, twenty thousand citizens signed petitions

calling for oversight hearings and volunteers raised funds to enable some of the witnesses to appear here today.

Indians, Blacks, Chicanos, the poor, and parents that do not meet our social norms--all are exposed to extraordinary risks of losing their children. If even one child is taken unjustly, all children are threatened. In the words of John Woodenlegs, a Northern Cheyenne, "There is only one child, and her name is Children."

Legislative Recommendations

The child-welfare crisis reaches from the root of Indian life in the family to the bureaucracies of Federal and State governments. For the Indian family, crucial, sometimes irreversible, decisions often have to be made at a time of doubt and confusion, when unsuspecting parents can easily be unduly influenced by outsiders. The tribe needs clear recognition of its sovereignty in matters relating to child placement. State and Federal governments, which unwittingly have helped finance discriminatory practices, now need to develop programs that will sharply reduce the number of Indian children removed from their families and communities.

The following recommendations are based on discussions with Indian communities over a considerable period of time. They are offered here for review, criticisms, and suggestions. These draft recommendations will by no means end the Indian child-welfare crisis; but we believe they are practical, first steps toward that goal. We have singled out what we believe can be accomplished by Congress and the Federal government in a year or two, recognizing that much additional work will be required over the years to come in order to assure that American Indian families are treated with the same respect, enjoy the same opportunties, and are afforded the same protections as other American families.

It is recommended that Congress:

I. Enact a law that withholds recognition of the legality of any placement of an Indian child for adoption, foster care, or other institutional or custodial care, unless made pursuant to an order of the Tribal Court, where a Tribal Court exists which exercises jurisdiction in child-welfare matters and domestic relations.

Many Indian children are taken from their families without Tribal Court action. Parents or guardians in times of doubt, confusion, or despair, sometimes voluntarily waive their rights and consent to the adoption of a child or his placement in a foster home or in other institutional or custodial care, only later to regret it. In some cases they are victims of harassment or subterfuge by child-care agencies both public and private and by individuals seeking Indian children. Once a waiver has been signed it is difficult, if not impossible, for parents or guardians to regain custody of the child. In the case of voluntary waiver and consent, the decision as to where the child is placed is determined not by a tribal agency, but by public or private agencies or by individuals. The result is that many Indian children are placed in non-Indian homes, often far from the Indian community; and other relatives or members of the tribe willing to provide care are denied this opportunity.

This recommendation is intended to afford the protection of the Tribal Court to Indian children and their parents or guardians in all cases relating to child placement. The Tribal Court itself would then be able in all cases to make its own decision as to what is in the best interests of the child and of the parents or guardians. The Court may recommend counselling for the family where such service is available or it may agree to the termination of parental rights. The Court would then also determine where the child should be placed. The Court may choose to place the child in a home on the reservation or transfer custody of the child to a tribal, state or private agency.

In cases where a child has been placed without a Tribal Court order, placement would be without color of law and the tribe or the parents or guardians could obtain a Federal court order for the return of the child.

II. Enact a law that: (1) authorizes Indian tribes to license foster homes and to accept state placements of Indian children and state funds in support of Indian children; and (2) requires that, where a state uses Federal funds, the Federal funds shall be made available to the state in support of the foster care of Indian children on condition that priority be given to tribally-licensed foster homes.

In most states with substantial Indian populations a majority of Indian foster children placed by public or private agencies are placed in non-Indian homes or in homes that have not been approved by a tribal agency; and relatively few Indian homes are licensed by the states to accept foster-care placements. The Federal government makes available to the states funds to provide child-care payments to these foster parents. Thus Federal funds are used to subsidize discriminatory state practices and licensing standards.

The purpose of this recommendation is to help reinforce the sovereignty of Indian tribes in matters relating to child-care placements and to help end discriminatory child-placement practices. A state that fails to comply with the condition contained in this recommendation would be subject to a cut-off of Federal child-care funds. The standards for licensing foster homes in order to qualify for foster-care payments would be the standards of the tribe. If the tribe determines to license a non-Indian home it would, of course, be free to do so and that non-Indian, tribally-licensed home would also enjoy priority over homes not licensed by the tribe.

III. Appropriate $ — million for construction in connection with a special Home Improvement Program under the Bureau of Indian Affairs to upgrade: (1) the housing conditions of Indian foster and adoptive parents; (2) the housing conditions of American Indians who seek Indian foster children or adoptive children, when such improvement would enable them to qualify under tribal law or licensing standards; and (3) the housing conditions of families facing disintegration, where such improvements would contribute significantly to family stability.

Federal and state subsidies for child care are largely based on the assumption that children will be placed with foster-parents who enjoy average or above-average means. Many Indian people who can and do provide excellent, loving care have income well below the average and do not have or cannot afford to obtain housing that meets tribal licensing standards, if the tribe includes the condition of housing in its standards.

The purpose of this recommendation is to supplement child-care payments with a home improvement subsidy as part of the Bureau's HIP program, in order to make it possible for more Indian homes to qualify as foster homes under tribal licensing standards; it will also help out in cases where poor housing contributes to family instability.

IV. Request that the Department of the Interior and the Department of Health, Education and Welfare submit for fiscal year 1975 a program and budget for comprehensive child-welfare and family-protection services that

are designed to reduce sharply the number of Indian children removed from their homes and their communities.

The need has long been recognized for greatly expanded services to Indian children and their families to help prevent family breakdown and to help parents who have lost their children rehabilitate themselves and regain custody of their children. Additionally, there are families who have lost their children or may in the future lose their children without sufficient cause or without due process of law.

The Federal government—the Bureau of Indian Affairs and HEW in particular—has, for the most part, failed in its responsibilities to design comprehensive child-welfare and family-protection programs and thus it has not recommended adequate programs to Congress for funding.

This recommendation would put the Department of the Interior and the Department of Health, Education and Welfare on notice that Congress has a vital interest in the child-welfare crisis and this, it is hoped, would set in motion the necessary planning and budgeting within the Administration.

The design of any expanded child-welfare and family-protection services should be undertaken in full cooperation with American Indian communities and should provide for tribal participation in the administration of the services.

V. Request that the Department of Interior and the Department of Health, Education and Welfare regularly submit statistics on the placement of Indian children and an evaluation of the application of existing Federal laws and regulations in reducing unwarranted and unnecessary placements of Indian children.

This recommendation is intended to provide Congress with the information necessary for it to monitor the success of Federal efforts to end the child-welfare crisis and to determine whether additional Congressional action is required.

It is further recommended that the Secretary of the Interior, if he considers it within his powers, or Congress:

VI. Authorize the Bureau of Indian Affairs to make payment of child-welfare subsidies to adoptive parents on the same basis as it makes payments to foster parents.

In most states, foster-care payments cease when a child is adopted. A number of foster parents who wish to afford their foster children the protection of adoption do not have sufficient income to support them if they were to lose child-care subsidies.

This recommendation is intended to enable the BIA to extend child-care payments in order that foster parents of modest means may adopt their foster-children. Such adoptions are, of course, subject to the same approval as any other adoptions.

VII. Authorize and make funds available for the position of Chief of the Division of Child Welfare and Family-Protection Services within the Bureau of Indian Affairs.

The BIA has more than 15,000 employees. Although the Bureau retains a consultant for child-welfare matters, it has no full-time administrator to revise BIA policy, to develop a comprehensive program of services, and to oversee and coordinate the services that do exist. This recommendation is intended to remedy this defect.

Senator ABOUREZK. Mr. Hirsch you may proceed.

STATEMENT OF BERTRAM HIRSCH, STAFF ATTORNEY, ASSOCIATION ON AMERICAN INDIAN AFFAIRS

Mr. HIRSCH. Thank you Senator Abourezk. I would like to present to the committee seven specific recommendations that the association has developed after discussions with a number of Indian communities around the country. We found that these recommendations have the support of the Indian people that we have discussed them with.

The recommendations are made from the standpoint, as Mr. Byler has stated, of promoting maximum Indian self-determination in solving these problems, and from the standpoint that these problems go to the very heart of the tribal relation and the very survival of Indian tribes.

The first recommendation that we would make to the Congress is that it enact a law that withholds recognition of the legality of any placement of an Indian child for adoption, foster care, or other institutional or custodial care, unless made pursuant to an order of the tribal court, where a tribal court exists which exercises jurisdiction in child welfare matters and domestic relations.

We have found, in our experience, that in Indian communities which should actually have under Federal law, the jurisdiction to decide their own domestic relations problems, that in fact, the State courts, in some places have usurped this right. The State court hears petitions for dependency and neglect. They hear petitions for termination of parental rights, when in fact, they are operating in Indian country in situations that Federal law would prescribe tribal jurisdiction.

So we feel, that because tribal governments are sometimes unable to fight the State in terms of political power, and the State courts and the State judicial processes often overwhelm the tribe, that it's important that the Federal Government, through congressional action, support the tribal right to handle their own domestic relation affairs. As I say, it goes to the very heart of the existence of the tribes. And, congressional action to bolster this tribal right is, I think, imperative at this time.

The second recommendation that we have is that the Congress enact a law that authorizes Indian tribes to license foster homes and to accept State placements of Indian children and State funds in support of Indian children, and also require that, where a State uses Federal funds, the Federal funds shall be made available to the State in support of the foster care of Indian children on condition that priority be given to tribally licensed foster homes. Again, this goes to the heart of tribal sovereignty.

I would argue that tribes right now possesses the sovereign right to license their own foster homes. There are other tribes in Public Law 280 states, that do not.

We feel very strongly that in light of the fact that most placements of Indian children in foster homes are in non-Indian foster homes, that it is important that we give some support to the tribes to change that situation and to enact a law that would give tribes the right to license their own foster homes.

The second part of that recommendation goes to the point that you asked Mr. Byler with regard to the use of Federal funds. We feel that HEW, which administers the bulk of foster care money to the States, can, through regulations, require the States to change the situation, to give priority to Indian foster homes, or to the development of Indian foster homes in the placement of children. And, if the priority is not given, the Federal funds should be withheld.

There's another aspect to this, and that is that HEW does not have the authority to give money directly to the tribes. They have to give the money to the tribes through the State agency, and eventually, we feel it would be a good program if the Federal Government were enabled, through HEW, to give direct grants and foster care moneys to the tribes without having to go through the States.

The State agencies, in our experience, have frequently violated HEW regulations designed to protect Indian families, and HEW has not had the enforcement capabilities to enforce their regulation against the States, nor have they withheld funds when such violations have occurred.

The third recommendation is that the Congress enact a law that would appropriate a certain amount of money for construction in connection with a special home improvement program under the Bureau of Indian Affairs to upgrade: (1) the housing conditions of Indian foster and adoptive parents; (2) the housing conditions of American Indians who seek foster children, when such improvement would enable them to qualify under tribal law or licensing standards; and (3) the housing conditions of families facing disintegration, where such improvements would contribute significantly to the family stability.

Once again, this goes to the point that was mentioned earlier and in Mr. Byler's testimony, that in Indian families, so often, they are unable to become either foster or adoptive parents because they do not meet standards of the States for licensing foster homes, nor do they meet the standards that the State might prescribe for adoptive placement.

I have found, in my own experience, that these standards often include, for example, hot and cold running water, indoor running water, no outhouses, situations where families must provide separate beds for each child. They cannot have more than one child sleeping in a bed. These types of conditions are common in certain Indian communities and therefore, Indians are automatically excluded from receiving children in foster placement or adoptive placement.

These standards, also, do not, in any way, reflect upon the ability of Indian parents to provide a good home and loving care for their children. Nevertheless, the States place great emphasis on materialistic standards like that.

Our fourth recommendation is that Congress enact a law that requests that the Department of the Interior and the Department of Health, Education, and Welfare submit for fiscal year 1975, a program and budget for comprehensive child welfare and family protection services that are designed to reduce sharply the number of Indian children removed from their homes and their communities.

And, the recommendation includes both urban and rural Indian families.

The fifth recommendation is that Congress enact a law requesting that the Department of the Interior and the Department of Health, Education, and Welfare regularly submit statistics on the placement of Indian children and an evaluation of the application of existing Federal laws and regulations in reducing unwarranted and unnecessary placements of Indian children.

As Mr. Byler has indicated, we had quite a time collecting statistics on Indian children. The States have multiple methods of collecting statistics, often, very inconsistent with one another.

The Bureau of Indian Affairs does not regularly compile statistics on Indian placements and it's been an extraordinarily difficult feat to be able to arrive at accurate statistics on the placement of Indian children.

Our sixth recommendation is that the Congress enact a law authorizing the Bureau of Indian Affairs to make payment of child welfare subsidies to adoptive parents on the same basis as it makes payment to foster parents. It's a request for subsidized adoptions.

And, our final and seventh recommendation is that the Congress enact a law authorizing the availability of funds for the position of Chief of the Division of Child Welfare and Family Protection Services within the Bureau of Indian Affairs. We feel that the issue is so important and that solutions to the problems are going to take a lot of imagination and time to work out that the Bureau of Indian Affairs should have a separate office set aside just to work on this immediate problem.

Senator ABOUREZK. Thank you very much, Mr. Hirsch, for the recommendations.

Senator Bartlett.

Senator BARTLETT. Thank you, Mr. Chairman.

Mr. Hirsch, I believe in your second recommendation of having the Federal Government make its appropriations directly to the tribes rather than to the State on the basis that the State policy or agencies and officers, have not operated according to law.

If that is the case, why has not your organization, or you, encouraged others to seek grievances through the courts, or have you? And, if so, what has been your experience?

Mr. HIRSCH. The recommendation, Senator Bartlett, is not so much that we would like money to go directly to the tribes because the States have not complied with Federal regulations, but we feel that these problems can best be solved within the Indian community through their own action.

We are supportive of Indian self-determination in this particular area because parent-child relations go to the very essence of the survival of the tribe. That's the main thrust of the recommendation.

As for court action, we have been in court quite a few times, and will be many more times, unfortunately.

We have also worked with several State welfare agencies in an effort to work out an agreement that will provide Indian communities with nondiscriminatory treatment in the distribution of welfare services.

In one case, in particular, I had a meeting together with several tribal leaders from every tribe in South Dakota. And the State welfare department agreed to review its foster care standards and agreed to review some of their other policies that all the Indian communities

in South Dakota objected to. We got an agreement in writing, that the State would take another look at their standards, and at their administrative regulations, that the State would consider Indian input in revising the standards and would make an effort to revise those standards to make them more realistic in light of present conditions and the State never followed through on any of that.

Senator BARTLETT. Yes, Mr. Byler?

Mr. BYLER. I'd like to comment on that.

Not all States administer these funds discriminatorily. Let me give you one example that we worked on where that was the case. It was on the Devils Lake Sioux Reservation a number of years ago in the late 1960's, where they were removing children at a great rate on the reservation.

The tribal council acted to halt that. This angered Benson County welfare and they terminated all child welfare payments, Federal moneys, until the tribe stopped its resistance to the placement of Indian children. We provided legal assistance to some of the parents.

There was no food in that community. A number of the Indian parents who were at risk of having their children taken away went to the Bureau of Indian Affairs in Washington, talked to people who at that time were in charge of the branch of social services, and said it's your money, why don't you have the BIA make these payments directly so the families can eat. The answer we got, "That would embarass Benson County welfare. We cannot do it."

It was only when we appealed to the man who, that day, was acting as Commissioner of Indian Affairs, that the order was sent down to let the children eat.

Senator BARTLETT. Have you found any difference in the amount of placements in nonreservation States as compared to reservation States, placements for adoption?

Mr. HIRSCH. That's a complicated question.

I think in reservation States, a strong tribal government that is aware of the problem, and many tribal governments are not because the problems are isolated. They effect a family in one part of the reservation and another family in another part of the reservation, and they may not recognize there is a pattern that exists.

In States where the tribes are strong and do recognize that this is a pattern, they have taken a very strong and affirmative action to put a stop to these types of abuses. So, in those States on those reservations, I would say that the rate of placement is dropping, although it is still inordinately high.

In States where there are no reservation communities, we have to distinguish between rural and urban. I think in urban areas, Indian people in those States face the same problems that other minority group people face in this area with family court, and that is that there is a very high rate of placement in urban communities.

Minneapolis is an urban population center for Indian people and there are quite a few placements in Minneapolis.

Senator BARTLETT. Do you have any figures on Oklahoma as a nonreservation State? It happens to be the State that the census indicates there are more Indians than any other State?

Mr. HIRSCH. Oklahoma is a State where we have some raw data that is uncompiled and we are hoping that we will be able to compile it in a short period of time, and we will be glad to submit it to you and to the committee at that time.

I might add one thing about Oklahoma, and that is that we have had an exceptionally difficult time getting accurate statistics from Oklahoma.

First, the State and social services department insisted that they did not keep figures broken down on a racial basis. They could not distinguish for us how many Indian people were placed as opposed to non-Indians. Finally, they did submit some statistics to us, and the accuracy of those statistics will have to await further analysis, but we will submit them to you.

Senator BARTLETT. I would like, personally, to have them. I'm sure the committee would, too.

Would you repeat again, your recommendation on statistics on placements and what precise recommendation on legislation you have?

Mr. HIRSCH. That the Congress enact a law requesting that the Department of the Interior and the Department of Health, Education, and Welfare regularly submit statistics on the placement of Indian children and the evaluation of the application of existing Federal laws and regulations in reducing unwarranted and unnecessary placements of Indian children.

Senator BARTLETT. I suppose that if this statistical information on Indian children had validity, or had a basis for comparison with other children, you'd want the same information on other minorities so there would be some common denominators, because the comparison is relative.

Mr. BYLER. These figures are available as national figures or State figures, but they aren't in the case of so many instances effectively broken down as to Indian or black or Chicano placement.

Senator BARTLETT. It would be a hiatus whether or not the welfare figures on blacks, because there was a while, I know, when it was illegal to keep track of such figures.

Mr. BYLER. Right.

Minnesota could be a model for keeping statistics. They do break down according to race and it shows, by the way, that while the Indian rate is extraordinarily high, the rates for blacks and Spanish speaking people in Minnesota are extraordinarily high, as well.

Senator BARTLETT. Is the rate higher for full-bloods than for part-bloods?

Mr. BYLER. The figures do not show this, but we would assume that they are, because most placements are made in reservation communities, rather than urban communities and there are many full-blooded people living in these rural areas. By and large, I would say that as a tendency, yes.

Senator BARTLETT. Thank you Mr. Hirsch, and Mr. Byler.

Senator ABOUREZK. Thank you both for your excellent presentation.

[The information referred to follows:]

OKLAHOMA INDIAN ADOPTION AND FOSTER CARE

BASIC FACTS

1. There are 1,013,028 under-21-year-olds in the State of Oklahoma.[1]
2. There are 45,511 under-21-year-old American Indians in the State of Oklahoma.[2]
3. There are 967,517 non-Indians under 21 in the State of Oklahoma.

I. *Adoption.*—In the State of Oklahoma there were 69 Indian children in adoptive homes.[3] Using federal age at adoption figures 69 per cent (or 48) of these are under one year of age when placed. Another 11 per cent (or 8) are one or two years old; an additional 9 per cent (or 6) are three, four or five years of age; and 11 per cent are over the age of five. Using the formula then that 48 Indian children per year are placed in adoption for at least 17 years and an additional 21 Indian children are placed in adoption for a minimal average of 14 years, there are 1,090 Indians under-21-years-old in adoption in Oklahoma. This represents one out of every 42 Indian children in the State.

There were 317 non-Indian under-21-year-olds placed in adoptive homes in 1972.[4] Using the formula as stated before, there are 4,884 non-Indians in adoptive homes in the State of Oklahoma; or one out of every 198 non-Indian children.

Fact: There are therefore by proportion, 4.7 times as many Indian children in adoptive homes an non-Indians.

II. *Foster care.*—According to statistics from the State of Oklahoma Public Welfare Commission there were 337 Indians in foster homes in 1972.[5] This represents one out of every 135 Indian children in the State. By comparison there are 1,757 non-Indian children in foster homes, representing one out of every 494 non-Indian children in the State.

Fact: By rate therefore Indian children are placed in foster homes 3.7 times more often than non-Indians in the State of Oklahoma.

III. *Combined foster care and adoptive care.*—Using the above figures, a total of 1,427 under-21-year-old Indian children are either in foster homes or adoptive homes in the State of Oklahoma. This represents one in every 31 Indian children. Similarly, for non-Indians in the State 6,641 under-21-year-olds are either in foster care or adoptive care, representing one in every 145 non-Indian children.

Fact: By rate Indian children are removed from their homes and placed in adoptive care or foster care 4.6 times more often than non-Indian children in the State of Oklahoma.

The above figures are based only on the statistics of the Oklahoma Public Welfare Commission and does not include private agency placements. They are therefore minimal figures.

Senator ABOUREZK. The next witnesses will be Mrs. Margaret Townsend and her children from Fallon, Nev.

Mrs. Townsend, would you please step forward, and give us the name of your children and their ages?

STATEMENT OF MARGARET TOWNSEND, FALLON, NEV.

Mrs. TOWNSEND. Kim Townsend, she's 14, and Anna Townsend, she's 9 and the little boy that's over there is Ira Walker and he's 7.

Senator ABOUREZK. Do you have something that you would like to say to the committee this morning? I understand you didn't bring a prepared statement.

Mrs. TOWNSEND. No.

Senator ABOUREZK. Is this the first time you've ever been to Washington?

[1] "Age and Race Population, by State, 1970," p. 1-306.
[2] "American Indians, 1970 Census of Population," p. 13.
[3] Letter from L. E. Rader, Director of Institutions, Social and Rehabilitative Services, Feb. 22, 1973. Also confirmed by phone conversation with Mrs. Hedwig O'Loughlin, Apr. 18, 1974. Oklahoma Public Welfare Commission, Division of Social Services.
[4] Phone conversation with Mrs. Hedwig O'Loughlin, Division of Social Services, State of Oklahoma Public Welfare Commission, Apr. 18, 1974.
[5] Letter from L. E. Rader, *Op. Cit.*

Mrs. TOWNSEND. Yes.

Senator ABOUREZK. Were you nervous when you first came in?

Mrs. TOWNSEND. No, but I am now.

Senator ABOUREZK. Why, because the television lights are here and so on, in front of all the people? I just want to try to make you at ease as much as possible because I think you probably have a lot of good information to give to the committee. I want to thank you on behalf of the Indian Affairs Subcommittee for making this trip trip in from Nevada. We appreciate it very much. And, I just want to say that you are performing a great service by coming here to testify because, hopefully, it will help Indian families and Indian children to stay together by providing information which, of course, is made public and will be part of our consideration when we try to make legislation and try to pass laws on this subject.

Feel free, you and your children, to say what you came here to say and don't be nervous. Go right ahead, Mrs. Townsend, and say what you wish.

Mrs. TOWNSEND. My children were taken out of my home because of the harassment of the police department in Fallon, Nev. The chief of police told me that he was going to make it hard for me to get my children and that I was going to lose my driver's license and that it was going to be hard for me to keep out of jail.

So, he turned my children over to the juvenile probation officer and they went into my home and took my children and placed them in a foster home. And, I think they were abused in the foster home.

I was beat up.

Senator ABOUREZK. Beat up by whom, Mrs. Townsend?

Mrs. TOWNSEND. By the police.

Senator ABOUREZK. While you were in jail?

Mrs. TOWNSEND. When they picked me up, they took me to the office and they argued with me and then they said I resisted arrest.

Senator ABOUREZK. If I may just interrupt you for a moment. What were you arrested for?

Mrs. TOWNSEND. I was arrested for drunken driving and resisting arrest.

Senator ABOUREZK. How much was the bail they set on you?

Mrs. TOWNSEND. It was $500.

Senator ABOUREZK. Were you able to raise the bail money to get out of jail?

Mrs. TOWNSEND. I pleaded not guilty and I called an attorney and he got me out with a bail bond.

Senator ABOUREZK. How long did you stay in?

Mrs. TOWNSEND. Well, after my children were gone, the next day, I knew they were gone, I just stayed in there for a week.

Senator ABOUREZK. You stayed in jail for a week?

Mrs. TOWNSEND. Yes.

Senator ABOUREZK. When was this arrest, I don't think I asked you that?

Mrs. TOWNSEND. January 4.

Senator ABOUREZK. Of this year?

Mrs. TOWNSEND. Yes.

Senator ABOUREZK. While you were in the jail, who came and got the children?

Mrs. TOWNSEND. I think the police department picked them up the next day.

Senator ABOUREZK. Where did they take them?

Mrs. TOWNSEND. They placed them in a temporary foster home.

Senator ABOUREZK. Do you know who the foster parents were?

Mrs. TOWNSEND. They wouldn't tell me, but later on I found out who they were.

Senator ABOUREZK. The father of the children is not living in the house with you at all?

Mrs. TOWNSEND. No. I'm alone.

Senator ABOUREZK. How long did the children stay in the foster home and how long were they kept away from you?

Mrs. TOWNSEND. About 3 weeks.

Senator ABOUREZK. How did you eventually get them back?

Mrs. TOWNSEND. I had to call the Intertribal Council lawyer. They wouldn't let me make a phone call or anything. I had to sneak and ask one of the trustees to take a note to somebody that I knew who would call the Alcoholics Anonymous and he, in turn, called the Intertribal Council lawyer.

Senator ABOUREZK. And, the lawyer got them back for you?

Mrs. TOWNSEND. Yes, and they communicated with Mr. Hirsch, here, in New York.

The welfare tried to send me to an alcoholic rehabilitation center in Tucson, Ariz., for 6 months, and I don't drink at bars a lot, see, and everytime I'm downtown, about 6 to 8 times in the last 2 years, I seem to be harassed by the policemen, everytime I've been down there, about three times, and they'd say some terrible things to me.

And, they said they would assault my daughter, my oldest daughter, and how fat this little girl was and she's just like me; and they just made fun of my children.

They just said terrible things to me and intimidated me. So, I wouldn't go back to the police department. I had to get me an attorney.

Senator ABOUREZK. Did the welfare try to take your children away from you permanently while you were in jail?

Mrs. TOWNSEND. Yes. They said I couldn't get them back for at least 6 months unless I went to the alcoholic center.

Senator ABOUREZK. In other words, they tried to force you to go to the alcoholic center by saying that?

Mrs. TOWNSEND. Yes, and they tried to make me pay for their foster home care.

Senator ABOUREZK. That was Nevada State Welfare Department?

Mrs. TOWNSEND. Yes.

And, it's very hard for the Indian women to communicate with these people because they do look down on Indians, I think.

My daughter had a bad time with the social worker that we had, and I tried to stay on the good side of her so that I could get my children back, but I don't think they had any excuse to take them. They said they would just take them temporarily, that's all.

Senator ABOUREZK. Is the social worker who handled your case an Indian?

Mrs. TOWNSEND. No.

Senator ABOUREZK. Is it a male or female?

Mrs. TOWNSEND. She's a female.

Senator ABOUREZK. Let me ask you this. Do your children have anything that they want to say this morning about the care that they received in the foster home?

Mrs. TOWNSEND. This little girl.

Senator ABOUREZK. Which one?

Mrs. TOWNSEND. The 9-year-old.

Senator ABOUREZK. You mean Anna?

Mrs. TOWNSEND. Yes, that my 20-month-old baby was mistreated. She said the man in the foster home slapped my little baby and forced him to eat a whole plate of food and kept the baby penned up all the day. And, she said that the diaper was never changed until the girls got home.

Senator ABOUREZK. Would Anna want to testify about that?

Mrs. TOWNSEND. I think so, she was real hurt.

Senator ABOUREZK. Anna, do you want to say anything?

Anna TOWNSEND. Yes, I would like to.

My brother, he was mistreated by Mr. Kelly. He slapped him and he smoked right in his face and puffed right in his face.

Senator ABOUREZK. Just a minute, Anna.

If that's too hard for you to talk about, you don't have to.

Perhaps it is better if she didn't, Mrs. Townsend.

Mrs. Townsend, have you ever been arrested before at all, before that incident?

Mrs. TOWNSEND. Yes.

Senator ABOUREZK. For the same charge?

Mrs. TOWNSEND. I had a previous experience with the police where, I don't know why stories used to follow me around, but I used to live in Elton, Nev., and the police used to follow me around and aggravate me and say dirty things to me. I got in an argument with them and my baby, when he was a month old, he was in a cradle board, he was hit, and three policemen just laughed because they had a great time.

I pleaded guilty because I worried about my baby. These stories followed me around and they had threatened me about my daughter, and I was worried about her all the time. I was trying to be over-protective, and they just think it's great fun just because I'm Indian, they can beat me up with handcuffs and chip my elbows where I couldn't pick my baby up.

I had to let my brother and his wife take him for awhile, and it's just been hard on my kids. Them doing that to me just because they have a grudge on the Indian boys. It is just hard to communicate with them, that's all.

Senator ABOUREZK. I guess it would be a fair statement that the foster home experience was pretty rough on the kids, then?

Mrs. TOWNSEND. Yes; and my daughter, I think they took her out of that home and they placed her with an Indian family, with some of her friends, and she said she liked it over there better.

Senator ABOUREZK. With the Indian family?

Mrs. TOWNSEND. Yes.

Senator ABOUREZK. I would suppose that it would be fair to say that the kids would rather be with you?

Mrs. TOWNSEND. Yes, they do.

Senator ABOUREZK. Is there anything else that you would like to say to the committee?

Mrs. TOWNSEND. I think that most of the Indian women are usually overwhelmed by people who think their children should be taken away from them and they really don't stand up to anybody and they don't have anybody to tell.

Senator ABOUREZK. Does this happen to a lot of other Indian people in your community?

Mrs. TOWNSEND. Oh, yes; it does.

They just think that it is the right thing for the welfare to be doing and they just never say or have anything to say. They just let them do whatever they want to, let them adopt them out or whatever.

Senator ABOUREZK. In other words, it is a general practice for the welfare people who are handling families in your community to take children out of the home, in a lot of cases that is, and not advise parents of their rights with regard to getting them back? Does that happen quite a bit?

Mrs. TOWNSEND. Oh, yes; it does.

Senator ABOUREZK. Senator BARTLETT.

Senator BARTLETT. Thank you, Mr. Chairman.

What do you think the reasons were that the police wanted to take your children?

Mrs. TOWNSEND. Because he wanted to get even with some of the Indian boys that I know and they are just being hateful because I'm Indian. There's no other reason, because I don't resent white people. They don't bother me at all, except the people in authority. Sometimes they get a little too overwhelming.

Senator BARTLETT. Were there any particular people who wanted to adopt your children, that you know of?

Mrs. TOWNSEND. No. I wasn't going to let them keep them that long.

Senator BARTLETT. The lawyer that you used was a lawyer that you obtained. Did he help you?

Mrs. TOWNSEND. He is part of the intertribal agency. He is the attorney for the intertribal agency in Nevada.

Senator BARTLETT. Do you happen to know whether he is going to testify before this hearing?

Mrs. TOWNSEND. No. He's not here. His name is Mr. Pope.

Senator BARTLETT. How do you spell that?

Mrs. TOWNSEND. Pope, P-o-p-e.

Senator BARTLETT. Do you have employment?

Mrs. TOWNSEND. No.

Senator BARTLETT. Thank you very much. We appreciate your testimony very much.

Senator ABOUREZK. Thank you very much, Mrs. Townsend. The committee wants to thank you very much.

Our next witness will be Dr. Joseph Westermeyer of the University of Minnesota.

Dr. Westermeyer, we'd like to welcome you to the committee. Do you have a prepared statement?

Dr. WESTERMEYER. No; I do not.

Senator ABOUREZK. All right. You may proceed as you wish.

STATEMENT OF DR. JOSEPH WESTERMEYER, DEPARTMENT OF PSYCHIATRY, UNIVERSITY OF MINNESOTA

Dr. WESTERMEYER. My experience is a limited one, in the sense that I've mainly worked in Minnesota and mainly with Chippewa people.

Senator ABOUREZK. I wonder if I might interrupt you just a minute and ask you where you do work and your position there?

Dr. WESTERMEYER. Yes.

I work at the University of Minnesota in the Department of Psychiatry. My principal interest is in social psychiatry.

I see patients, the majority of whom are not Indian, and I teach in the medical school where I teach psychiatric residents. I also teach psychiatric workers and psychologists.

My statements grow out of formal experiences over the last 5 years when I've seen Indian patients over the last dozen years. It has only been the last 5 years that I've collected my experiences in a formal and a thoughtful way.

Over this time period I have seen 120 Indian patients and 16 Indian families, most of whom were either trying to get their children back, some of their children back, or were in the process of losing their children.

During this time period, also, as I became increasingly aware that transactions, and interactions between Indian families and social agencies tend to be extremely important in the problems. Oftentimes they maintain their problems.

I took off 3 months and spent them visiting hospitals, welfare agencies, police departments, sheriff's offices, and community mental health clinics and five counties in Minnesota where Indian people are most populous.

So, my statements grow out of this experience.

The Indian patients whom I have treated, one-half of them have been placed out of their homes of origin, the majority of these in foster homes, a series of foster homes and a minority of them, only a few, in adoptive homes.

Some of the older people have spent time in a boarding school setting as well as other foster, or institutional settings.

The foster home placement was never, in all of these instances, restricted to one home. All of these people were placed in more than one home. Also, after the foster placement, none of these individuals ever again returned permanently to their home of origin, although many of them made infrequent visits to one or another relative.

In general, they have some of the general characteristics that one can attribute to children passing through a series of foster homes. Difficulties such as chronic insecurity, free floating anxieties, panic reactions, difficulty adapting to family life and adulthood, were characteristics present among them, as they are among non-Indian people raised in this manner.

Oftentimes, these people did reasonably well in childhood and one could see where the social worker working with these people during childhood was impressed that things seemed to be going well. In

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other words, in grade school, and most of them were placed even through grade school the children make a pretty good adjustment and they don't have psychological or social problems in the majority of cases.

However, once they get into adolescence, runaway problems, suicide attempts, drug usage, and truancy are extremely common among them, even though they are raised away from the reservation and away from Indian society.

My findings among this group of people, mostly men but about one-fourth of them women, were that the Indian person was so raised that they assumed the majority of white identity when raised in a foster home.

The patients that I encountered were raised in foster homes. Indeed, when I made my survey there were only two Indian foster homes in Minnesota then, at that time. However, there are more now.

During the adolescence of these people, they were raised with a white cultural and social identity. They are raised in a white home. They attended, predominantly white schools, and in almost all cases, attended a church that was predominantly white, and really came to understand very little about Indian culture, Indian behavior, and had virtually no viable Indian identity. They can recall such things as seeing cowboys and Indians on TV and feeling that Indians were a historical figure but were not a viable contemporary social group.

Then during adolescence, they found that society was not to grant them the white identity that they had. They began to find this out in a number of ways. For example, a universal experience was that when they began to date white children, the parents of the white youngsters were against this, and there were pressures among white children from the parents not to date these Indian children. By the way, all of them were three-eights Indian or greater. The majority of them were three-fourths or fullblooded Indians.

The other experience was derogatory name calling in relation to their racial identity—buck, squaw, Sitting Bull—what have you.

In many instances, if not all instances, they have difficulty obtaining the kinds of criteria with their peers; they had difficulty getting jobs in the local drugstore, purchasing a motorcycle, taking out a bank loan to buy a car.

At the same time, they were finding that society was putting on them an identity which they didn't possess and taking from them an identity that they did possess. They had no peer group or no identity with any group that they might share this identity.

This is very much different from those raised in a boarding school setting where some of the same stresses were present, but where they had a peer group with whom they might identify or Indian children raised in predominantly a white neighborhood but where they have the family group or an extended family where they might gain support during this time of stress.

What may be of interest to you is the finding of that fact that among the patients that I encountered that had a high identity with Chippewa culture, those that were raised in their own home, you get such criteria as recent visits back to the reservation within the last year or two, the ability to speak in the language, and they also had good coping skills within the majority of society. These people were statistically more apt to be employed; if they had been in the serv-

ices, they had honorable discharges; they were mostly married and caring for their children. Also, they had a low incidence of history of social problems such as imprisonment, commitment to a State mental health institute, and such as this.

The reverse also is true of those with a low cultural identity. They tend to have poor coping and also significant social problems.

I thought that this only undermines the common thought that people only had so much cultural, or so much inside culture within their personality that if you fill up those with Indian culture, there may not be any left over for coping with the majority of society.

Returning to the problems of the institutions, and I think these problems are only a part Indian problems, from my own perspective, there are problems, too, of our social institutions and how they operate.

Indeed, you can look at statistics which indicate that Indian families are in difficulty in Minnesota. The infant mortality rate is high, oftentimes, from infectious disorders, from nutritional defficiencies, child battering, while extremely infrequent, is a statistic becoming more commonly known among Indian people.

So, there are difficulties. Also, social workers in Minnesota, and I believe, indeed, our whole welfare system in Minnesota is a superb one compared to other States and even compared to other nations around the world. Social workers within our State do a very excellent job when they are called upon to work with the aging or physically handicapped, with learning disabilities, family problems of one or another kind, so long as these occur within the 98 percent majority of the population.

It's been my own experience that the vast majority of social workers called to assist Indian families, when there is a crisis or distress, do a very poor job. They do not work to keep the family intact. They will not use the extended family resources. They won't use homemaker or mental health facilities or collaborate with Indian community resources.

There seems to be an early recourse to foster placement; foster placement is often used as sort of a peace power against the family. There's the stress to sort of whip the family into shape when they experience difficulties in living, rather than to foster family strength and help the family through a crisis.

I don't have any blueprints for solving these difficulties. I think they're extremely complex ones.

I think that perhaps Indian leadership in solving these problems, at least from my own experience in the Twin Cities, has been the most useful step toward amelioration that I have seen, where Indian organizations take steps to reverse these trends and to assume responsibility for the welfare within their own communities.

Senator ABOUREZK. Dr. Westermeyer, if I might just break in a minute. I think, from what you said and from what we've heard earlier today, and from my own experience, it is pretty obvious that when a non-Indian social worker, or a non-Indian authority tries to impose their own standards on the Indian people and the Indian families, it is almost certainly doomed to failure, no matter what they try.

I assume you agree with that statement?

Dr. WESTERMEYER. Yes, like white physicians, white psychologists. All the white workers have, I think, cultural blinders on that do impede their work.

Senator ABOUREZK. Even psychologists and psychiatrists?

Dr. WESTERMEYER. No doubt; definitely.

Senator ABOUREZK. Senators and Congressmen, too, I assume.

Dr. WESTERMEYER. I guess none of us has a very good track record.

Senator ABOUREZK. I would probably agree with that. Please proceed.

Dr. WESTERMEYER. That really is the end of my statement. Just as a final comment. I would like to mention that within the community many people have had increasing success in working with health problems in Minneapolis, where there are a significant number of Indian people within the family clinic itself, and where the white professional stereotype is repeatedly undermined and produced. That seems to be helpful.

We have another health clinic in which the money comes through Indian hands. They decide what is done with it. In many ways these two instances replicate the success that's been achieved by other ethnic groups in our area for accomplishing their own welfare.

The Brotherhood, or the Jewish Family Services and Catholic Welfare, tend to have a fairly high success rate. Very infrequently do they need to resort to police power in order to protect life, for example.

That's the end of what I have to say.

Senator ABOUREZK. It is also obvious that there is a dearth of Indian professionals that are available to work in these areas. What would you recommend, by way of training, or cultural awareness sessions for non-Indian psychologists and psychiatrists?

Dr. WESTERMEYER. I don't.

Senator ABOUREZK. Until such time as Indians might be trained?

Dr. WESTERMEYER. I don't have very much faith in that institutional means of correction, because it puts the responsibility of change on the professional who is at the top of the hierarchy. In other words, he has to want to change himself or he won't change. And, if he would have been open to change, he would have already accomplished that without any outside interference.

I'm not thinking about that as an institutional means of correction. However, when Indian people seem to have control over the purse strings, in my limited experience in Minnesota, that seems to be a good deal more efficient. The one instance where Indian health workers have been drawn into it, really the leadership there has been taken by a white physician, and that's fine as along as they stay in that position. But, I'm afraid that once she leaves, her leadership will leave with her and there's a lot of inertia for them to go back the way they were.

I'm not talking about that as a way of strategy.

Senator ABOUREZK. Thank you very much for your testimony.

Senator BARTLETT. Dr. Westermeyer, do you feel that it is advantageous that the Indian child be adopted by an Indian family?

Dr. WESTERMEYER. Yes, sir.

Senator BARTLETT. Is your experience, and you didn't mention the support and the school situation of the peer group, in your practice did you treat any children, Indian children, or come in contact with Indian children who were in school situations?

Dr. WESTERMEYER. In school situations in the Twin Cities, not in boarding school situations.

Senator BARTLETT. I see.

Dr. WESTERMEYER. There are some psychiatrists in the country that have worked in such settings further west, but I haven't.

Senator BARTLETT. What would you say is the main problem that you run into of the environment? Is it the fact that the Indian children are in a white foster home, or is it the fact that the Indian children are not associating with other Indian children, or is it some other reason, a matter of poverty, which Mr. Byler said it was not?

Dr. WESTERMEYER. You're speaking of the Indian?

Senator BARTLETT. I'm speaking about the psychiatric problems that you have found. What would be the prime cause, that's what I'm trying to get at.

Dr. WESTERMEYER. With the Indian child in grade school living in a white foster home?

Senator BARTLETT. What I'm trying to find out is, what is the prime cause for the psychiatric difficulties found in children?

Dr. WESTERMEYER. There are few psychiatric difficulties among Indian children during their grade school years, while they are in white foster homes. The vast majority makes pretty good adjustments and we tend to see them infrequently.

The difficulty arises, primarily, during adolescence as they try to assume a cultural identity and, because of their racial characteristics, the majority of society refuses to let them express that majority cultural identity and they're forced into an identity which they really don't know how to behave in. They really don't know how to act as Indians should. Many of them have lost contact with the extended family back on the reservation.

The difficulties occur at this time. I think their problems grow out of two things. One, having an identity that they can't express, the majority identity; and being forced, because of their race, into an identity that they don't understand.

The second, not having around them other Indians, extended family, who can support them through this difficult stage, where they're being expected to change their social and cultural identities.

So, I would see those two factors as being operative but not during childhood, primarily during adolescence.

Senator BARTLETT. Then, you wouldn't see very clearly the solution to the problem of having Indian foster parents if such adoption was, or having adoptive parents that were Indian?

Dr. WESTERMEYER. I think most adoptive and foster parents would be necessarily much less often utilized if the Indian family had services to keep the families intact.

Senator BARTLETT. Did you have a chance to make a judgment between foster parents and adoptive parents?

Dr. WESTERMEYER. I didn't run into enough adoptive parents to really obtain what I thought was significant in number. I only had three cases where people were adopted at a young age and then raised within a white family.

Senator BARTLETT. Is there a lack of Indian parents who are interested in adoptions, or is this just not pursued?

Dr. WESTERMEYER. I think that's a complicated question. In Minnesota once a person is adopted, at least in the past, their

finances have stopped. So, if you have an Indian couple who is coping and has a large enough home, usually they have so many other children of their own and children of kinship, that to take another child on is virtually impossible.

So, you're talking about the majority of Indian people who might take on this kind of a child, not having this kind of money to do it. So, there's an economic stricture against it.

Also, there is the matter of housing. A lot of the rules that grew out of the housing, grew out of a previous era in which housing was related to infectious disease, tuberculosis and streptococcosis. There's that emphasis on infectious disease within a home rather with caring parents. All of that gets into a rather complicated area that operates against adoption by Indian parents, and for adoption by white parents.

Senator BARTLETT. What has been your experience with the readjustment problems of children who have been in non-Indian homes and who return to Indian homes in Indian communities?

Dr. WESTERMEYER. That doesn't happen very often, at least returning to the home of origin.

What does happen fairly often, is that people raised in this way do drift back, say, in the area of Minneapolis, where they know there are some relatives around, but they don't go back out to the reservation, and they may make contact with their extended kinship group, but they do that when they're 16 or about 18 years old. They do it when they're running away at age 16, or they do it when they finally get out of school at the age of 18 or out of the service at age 20.

That's when I see these people are having suicide attempts or difficulty with alcoholism, using drugs. That's when they are surfacing the psychiatric recognizance and that's when they end up on my ward.

Senator BARTLETT. To carry that a bit further, in the adults that you see that have had this background, is that a continuing matter, where you have had good success and readjustments? What has been your experience?

Dr. WESTERMEYER. It's extremely difficult once this pattern establishes itself in the late teens or early twenties, and a person in the mid-thirties or forties decides that that isn't any longer the way to live, and you're really talking about rehabilitation. It is extremely expensive and has very limited goals, and a somewhat low success rate.

I can point to a few dozen people that I feel really have done well, but it has been at great cost to themselves, and it has been at great cost to any children or family they have. The family is all busted up. It is such a long rehabilitation that probably 60 or 70 percent of them are not going to be rehabilitated. They are going to end up in the morgue or in prison, or in an institution of some kind.

All efforts in that area are good, they certainly aren't, from my own perspective, a solution. I guess that is why I was willing and anxious to come here today because I see what I'm doing in my own little place, sitting in a psychiatric unit, while it may be of interest to me, certainly it isn't going to solve the problem of the Indian people.

Senator BARTLETT. I think that you mentioned the inadequacy of white and black, in general, to know the social needs of Indians and to really be able to analyze any solutions as best as they might?

Dr. WESTERMEYER. That's true. The economic center, too. I'm at a university setting where the citizens pay my salary and I can see people irrespective of their ability to pay. Most mental health workers, this isn't true of them. Somebody has to pay them or they don't provide care.

Senator BARTLETT. Dr. Westermeyer, thank you very much.

Senator ABOUREZK. Thank you very much for your testimony, Dr. Westermeyer.

The next witness will be Mrs. Alex Fournier from Fort Totten, N. Dak.

Mrs. Fournier, would you like to come up to the witness stand, and I think it might be better if your grandson not come up to the stand itself. I think that was a rough experience on Anna Townsend, and I don't want us to repeat that.

Is this the first time you've been in Washington?

STATEMENT OF MRS. ALEX FOURNIER, FORT TOTTEN, N. DAK.

Mrs. FOURNIER. This is the second time.

Senator ABOUREZK. So you have flown on an airplane before and you aren't as nervous about the Capitol here and all these buildings and the television lights and so on?

Mrs. FOURNIER. No.

Senator ABOUREZK. Good.

Would you tell us your name and where you are from?

Mrs. FOURNIER. I'm originally from Holliday, N. Dak.

Senator ABOUREZK. Do you live there now?

Mrs. FOURNIER. I'm living there now. I used to live there, and then I moved to Devils Lake in Fort Totten.

Senator ABOUREZK. What tribe are you enrolled in?

Mrs. FOURNIER. The Mandan Tribe.

Senator ABOUREZK. You have living with you your grandson, and his name is Ivan Brown?

Mrs. FOURNIER. He isn't my grandson. This child is no relative of mine, but I have taken him since his mother died.

Senator ABOUREZK. Are either of his parents living?

Mrs. FOURNIER. He takes me as his mother, and I take him as my own.

Senator ABOUREZK. Is his father living?

Mrs. FOURNIER. They were not legally married. They were just living together, the mother and father.

Senator ABOUREZK. How long have you had Ivan in your home?

Mrs. FOURNIER. He's 9 now. He was only about 3 weeks old when I started babysitting and raised him from there on.

Senator ABOUREZK. Did you have an experience with the county welfare people in North Dakota?

Mrs. FOURNIER. Yes. In Benson County, I did.

Senator ABOUREZK. Do you want to tell us about the experience you had? When was it, first of all?

Mrs. FOURNIER. It was around 1968, I think.

Senator ABOUREZK. 1968?

Mrs. FOURNIER. Yes.

When I first got the child.

Senator ABOUREZK. What happened in 1968 with the welfare?

Mrs. FOURNIER. That was when they were trying to take my little boy away.

When I first took him, he was small and I kept him there and he didn't have anything. He didn't have hardly any clothing or anything and I went to the mission to get clothing for him. I barely got clothes for him.

Then, his mother burnt up the day she was supposed to come and pick him up. So, from there on, I had him.

His grandmother is still living, yet; but she did not want the child.

Senator ABOUREZK. By the way, I wanted to ask how old you are?

Mrs. FOURNIER. I'm 69 now.

Senator ABOUREZK. You are now 69?

Mrs. FOURNIER. Yes.

Senator ABOUREZK. What happened between you and the welfare department?

Mrs. FOURNIER. They wanted to take him as soon as his mother burnt up. They said they were going to take him, so I agreed to it. I was just babysitting at that time. They said they were going to take him. I agreed to it and I said OK. They never came.

They said, in about a week; and when the week was up, they never showed up.

Then they finally came about a month later. They came back and wanted to take the child. I agreed to it.

Senator ABOUREZK. Even the second time, they never came?

Mrs. FOURNIER. The second time they came they wanted to take him again, and they said they were going to put him up for adoption. I thought it was OK.

It went on and on until he was over a year old. Then I was attached to him and he took me just like his own mother.

Then they took us to Devils Lake to a clinic and they had him checked over.

Senator ABOUREZK. That's the welfare that took him?

Mrs. FOURNIER. Yes, the welfare from Benson County. They were trying to find a place where they could adopt him out, and it went on further and they never came around again for so many months.

Finally, one day they came. I had everything marked down but I have been moving so much, I lost everything.

They tried to take him, and when they came after him I said no. He started crying and hanging on to me. He was 2 years old then.

Senator ABOUREZK. That was over a year after the first set up?

Mrs. FOURNIER. Yes.

Then they tried to take him and he hung on to me and he cried. They took us to court because I wasn't going to let him go, the BIA.

Senator ABOUREZK. Did you have a lawyer?

Mrs. FOURNIER. I really didn't. They just had Indian court there. It was just an Indian court.

Senator ABOUREZK. It was tribal court?

Mrs. FOURNIER. Yes, and they took me and the welfare people took me in and they wanted to take the child and I said no, I can't let him go.

This man jumps up, my little boy was out in the hall, and he went out and he grabbed the child and he was going to walk out with him, and the little boy fought.

Senator ABOUREZK. Who was that?

Mrs. FOURNIER. He was from Milwaukee. I don't know if he still works there.

Senator ABOUREZK. He is with the welfare?

Mrs. FOURNIER. Yes. He's a welfare worker.

Senator ABOUREZK. During the court, he tried to take Ivan with him then?

Mrs. FOURNIER. He was playing out by the entrance, and he went out and took the child and he was going to walk out with him. The little boy cried and started fighting back.

So, the judge in the courtroom said, Margaret Ironheart was the judge then, and she said look they're taking him.

I looked back and I ran out and he was screaming and crying and hollering "momma."

He yelled out that he was taking him away and I said, no you're not going to take him. The way he's crying, you're not going to take him.

I took the child and I took him in.

Senator ABOUREZK. What did the court decide on the issue?

Mrs. FOURNIER. They fixed out papers there that I could keep the child.

Senator ABOUREZK. Have you had any trouble with the welfare since then?

Mrs. FOURNIER. Not very often, but they're sort of peeved at me, so they don't come around much any more like they used to.

Senator ABOUREZK. They never tried to take him again?

Mrs. FOURNIER. No, they never tried to.

Senator ABOUREZK. Before the court hearing, did the welfare people ever just come to you and talk to you to find out whether Ivan was happy there, or whether that was the best home for him?

Mrs. FOURNIER. They never hardly come around anymore.

Senator ABOUREZK. I mean before the trial.

Mrs. FOURNIER. Yes.

Senator ABOUREZK. Did they talk to you a lot and try to find out whether Ivan was happy living with you?

Mrs. FOURNIER. No. They didn't say much of anything.

Senator ABOUREZK. They just decided on their own to take him, and that was it?

Mrs. FOURNIER. Yes.

Senator ABOUREZK. Does the county welfare pay for you keeping Ivan in your home?

Mrs. FOURNIER. I got a check from Bismarck.

Senator ABOUREZK. Who is that from?

Mrs. FOURNIER. That is from Indian——

Senator ABOUREZK. The Bureau of Indian Affairs?

Mrs. FOURNIER. Yes.

Senator ABOUREZK. You don't get any money from the county welfare at all, a Federal Government check?

Mrs. FOURNIER. Yes. It's a Government check, yes.

Senator ABOUREZK. It's not a State check?

Mrs. FOURNIER. No.

Senator ABOUREZK. Mr. Byler, did you have something that you wish to add?

Mr. BYLER. We worked on this case and perhaps I can help. It was the Ivan Brown case that really began the tribal resistance there.

Mrs. Fournier's other trip to Washington, D.C., was in 1968 with other members of the tribe, when Benson County Welfare refused to pay these sums because she was resisting. From that point on the Bureau of Indian Affairs agreed to make payments directly, and I assume that that is still the case.

The money comes from the Federal Government directly.

Senator ABOUREZK. The county provides nothing to your knowledge?

Mr. BYLER. That's correct. That is the way the tribe wants it.

Senator ABOUREZK. To your knowledge, does Benson County Welfare receive Federal funds for those kind of payments?

Mr. BYLER. Not the direct payments. They used to. I must add, too, that Benson County has a very constructive relationship today; after this explosion there were some staff shakeups and I think the relationships now are cordial with the county welfare.

Senator ABOUREZK. You wouldn't see this kind of thing arising again in that county?

Mr. BYLER. No.

Senator ABOUREZK. Thank you very much.

Senator Bartlett, do you have any questions?

Senator BARTLETT. Mr. Chairman, I have no questions.

Senator ABOUREZK. Do you have anything more that you would like to say, Mrs. Fournier?

Mrs. FOURNIER. No, I don't think so.

Senator ABOUREZK. On behalf of the committee, I'd like to thank you very much for coming out here to testify. As I told Mrs. Townsend, what you have to say here today, I hope will be very helpful in trying to correct what we see is a very bad situation.

We're very grateful to you and to Ivan and we want to wish you the best of luck. We again thank you.

The next witnesses are Dr. Carl Mindell and Dr. Alan Gurwitt. We'd like to ask you to come forward, please.

I'd like to welcome both of you to the subcommittee. Do you both have statements or is there just one statement?

DR. GURWITT. There is one statement that we have prepared together and we'd like to read portions of our statement and answer specific questions that you might have.

Senator ABOUREZK. Yes. We'd like you to limit the time of your initial statements to leave more time for questioning afterward, and in order to be fair to other witnesses who are waiting.

STATEMENT OF DR. CARL MINDELL AND DR. ALAN GURWITT, CHILD PSYCHIATRISTS

Dr. GURWITT. Let me introduce myself. I'm Dr. Alan Gurwitt, associate clinical professor in child psychiatry; and this is Dr. Carl Mindell who is from Albany.

Dr. MINDELL. I'm also a child psychiatrist. I'm on the faculty of the Department of Psychiatry at Albany Medical College.

Dr. GURWITT. We're unofficial representatives for the American Academy of Child Psychiatry which has a task force in American Indian affairs.

This is not an official position of the academy, but it comes as the result of our work, and particularly the work of Dr. Carl Mindell, who spent 2 years with the Indian Health Service at Pine Ridge.

We have a statement, a formal statement, which will be available to you later, which we are not going to read in full.

Our major concerns have to do with just the issues that have been addressed today in regard to child placement issues.

As child psychiatrists, we are concerned about the source of conditions that have to do with the proper and necessary ingredients that go into child rearing. We've been very concerned as a professional group; the American Academy, the American Psychiatric Association as well, has been very concerned about the problems that we've heard about today among the American Indian families.

We wanted to particularly focus on issues having to deal with issues of dependency and neglect. We're not going to address ourselves to the problems raised by Indian boarding schools and the impact on children and adolescents that are in boarding schools. Others have already addressed that issue; and Dr. Robert Bergman, who will be testifying tomorrow, I think, is quite expert in the area and will focus on that.

You've heard some of the alarming statistics in regard to the instance of placing the American Indian children outside of their homes, outside of their reservation, because of a variety of reasons that you've heard about.

We wanted to give our view of some of the factors that seem to be related to these particular events which in essence seem to sum up two particular trends.

One is that American Indian children are being placed outside the home at rates that are alarming; and secondly, that American Indian children are being placed in non-Indian homes at a rate that is equally alarming.

We think this reflects several things. One, the Bureau of Indian Affairs policy and State welfare policy of getting Indians into the mainstream of America, while this policy has changed at higher levels of the Bureau, its impact at lower levels continues to be present, and we think this has a devastating effect over many generations and continues to have a devastating effect on children.

Second, the options available for placement are either not available or are inaccessible for varied reasons, families are disorganized, or are having difficulty in providing for needs of the children; and usually do know well in advance the placement decision.

Decisions to place the child often assume that other options have failed, whereas, too often little effort has been made to intervene early with support for the child and his family by the State and Federal agencies and, occasionally, by the tribe. Too often, the only clear option appears to be placement.

Third, the decision to remove the child from his parents is often made by poorly trained Federal and State agency personnel and without the parent's understanding their rights. For example, where they have voluntarily waived their parental rights without understanding the implications. In effect, it operates as a lack of informed consent.

Fourth, the child has had no advocate in court to represent his interests, nor in most cases, his parents.

And in our testimony we'd like to emphasize, too, not only these rights of the parents, but the rights of the child to legal counsel.

Fifth, when the decision to place the child is made in court, it is often made by State court which does not utilize the available and often rich information in the child's extended family and neighboring community related to potential support and care.

We witnessed this kind of thing in North Dakota several months ago at a tribal court where a white judge was presiding while there was a great wealth of information available to that judge if he would just ask people who were in the courtroom. It was not asked, and the kinds of vital decisions about where the children were going to live were, therefore, really very poorly informed decisions.

Sixth, the standards used in making the placement reflect the majority culture's criteria for suitable placement and do not take into sufficient account what may be appropriate within the child's social welfare.

This is the issue that other people have already raised in regard to housing arrangements, the number of square footage it takes. The kinds of criteria they don't take into consideration, what constitutes a warm, giving, adequate home, a psychological home.

Seventh, the tribes generally have been given little or no responsibility for controlling or monitoring the flow of moneys available for child care.

There seems to be no systematic review of placement judgments to be sure that the child's placement offers her, or him, the least detrimental alternative.

And ninth, there is no person or agency charged with focusing on the needs of Indian children with, for example, compiling information and developing comprehensive planning models adaptable to different regions, different tribes, different settings.

We'd like to comment on something that Dr. Westermeyer already mentioned in regard to what is the psychological impact on children and adolescents of being placed outside of their families and reservation. I'm not sure that we quite fully agree with Dr. Westermeyer that the impact isn't felt earlier while it is more obviously felt and seen in kinds of ways very vividly described in adolescents. In less vivid ways, it can be seen in younger children, too.

To be torn away from a setting where they might feel at home, to be placed in one home after another, to never have any sense of permanence, never know where they're going to be next, to never be able to be sure of anything, doesn't exactly provide trust and security; trust in people and security in their lives. We feel that there is evidence, but maybe it is less overt in children as well as in adolescents. There is a pervasive sense of abandonment, a sense of depression, and a sense of having been neglected and anger in regard to that, but not one that someone can normally see.

We've had the opportunity, particularly Dr. Mindell, to visit the Indian communities where a great deal is being done by tribal councils, tribal welfare committees, and tribal courts. These kinds of activities include the establishment of improved homes, early education facilities, arrest facilities, residential care facilities.

At one reservation we saw family development centers for the whole family including children, who are able to remain for a period of time. Much more is needed to be done, and our final comments have to deal with the kind of things that we think might be facilitory, particularly in regard to aiding the tribal councils to carry out some things that they might want to do. And the impact, I might say, of what we'd like to say is that we think, particularly, that the tribal councils themselves are best equipped to carry out whatever is implemented. It's not up to, as we mentioned before—white child psychiatrists, white doctors, whatever—do do this.

First, the Bureau of Indian Affairs and State welfare agencies, which are the recipients of Federal funds, should make an explicit and overall goal of supporting the integrity of Indian families and communities. This sounds like something very simple and already well known, but it's really like a very important statement in the sense that there isn't, as far as we can tell, and from what you've heard today, a real sense of protecting at all costs the integrity of the family and supporting the family before destruction occurs.

Second, increasing the options available to Indian communities, besides placement, and mandating the integration of these options into a continuum of services under the general direction of the tribal government. The options would be flexible to respond to the needs of the individual family. Such options might include such things as mentioned today, the in-home help, homemaker care, home counselor-child care to both the family and the children, various kinds of out-of-home help such as preschool facilities and after-school care, respite service to homes.

The third one, when placement is considered the child and his parents each should be represented by an advocate. This would help to insure that the interests of each, which are not necessarily the same, and which also may be different then the State's interests, are represented.

Here we're facing the type of question, a complex question throughout the United States, whenever it comes to the issue of child custody or placement decisions by any board for any child, in any setting, that has to do with that fact that sometimes what is best for the child is not necessarily what is desired by the parents. It's a very complex type of issue and hopefully, whatever the setting and whatever ethnic group, it will be possible for both parents and the children to be represented.

Senator ABOUREZK. Isn't it true though, that that particular criteria "what's in the best interest of the child," is also used by welfare people as a cover without basis for doing what they want to do?

Dr. GURWITT. Exactly. According to what they think in their own particular appropriate background, may be appropriate.

Senator ABOUREZK. How do you make a separation then, and I understand it is a very complex, and very abstract kind of subjective thing. How do you make a distinction, if there is a distinction?

Mr. MINDELL. One of the things that we're suggesting in our recommendations is that we consider the possibility of not always utilizing that principle "what would be in the best interest of the child," because it is so vague and so nebulous.

There's just recently being discussed now and I think it is worthy of our consideration here, another principle which would say, in a sense, "what would be least detrimental to the child", taking into consideration the fact that when the child gets to this point, there's nothing really magical that welfare agencies are going to be able to do. So, which alternative is going to be the least detrimental to the child and there, keeping in mind, several things. One is, that the decision is to be made quickly, because for a child, or what for us is a short time, for a child is a long time and that a child has the right to be wanted and that the issue of who is the child's psychological parent, is also important.

In other words, who is meeting the needs of the child becomes very important.

Using that kind of criteria becomes hard, for example, for a judge to say, look this child has been cared for by this mother for the last 3 years. I'm about to make a decision about it. I'm going to place this child into temporary care here, until I can make my decision.

Using the least detrimental alternative principle, the judge probably would have to leave the child with the mother while he is making a decision, not constantly change places.

Senator ABOUREZK. As long as I've interrupted, let me ask another question of either of you.

You saw Anna Townsend attempting to testify earlier today and obviously her experience in a foster home is extremely traumatic to her and she wasn't in very long, as a matter of fact.

Would you comment on whether or not, even a short placement of a foster home, would you say whether that experience would have a long-term effect on a child?

Dr. GURWITT. It certainly can and may have already. It all depends so much on the circumstances under which the child is placed, the nature of the home in which the placement took place and I think it would be very important to consider the degree of understanding of the child about why it takes place and to what degree of permanence or im-permanence or whatever it would be.

One of the common phenomena of foster children of any ethnic group is the constant sense of not knowing where they will be or how long they'll be there. It's too painful and too upsetting to try to establish any roots. If they establish roots they just get hurt again and again. To be torn away from the roots that they've begun to establish, leads them to decide that they're not going to get very close to anyone and certainly it has an impact on their whole life including their ability later on to be parents.

The rest of our recommendations can be summarized really by essentially one point, that is when it comes to standards, when it comes to funding, when it comes to channeling funding, we hope that the primary vehicle is the tribal government and the tribal court or the tribal welfare committee, whichever is appropriate authority within the tribe on the particular reservation involved, rather than through the welfare agency.

As far as the role of professionals is concerned, we certainly hope that the day will come when there are many more Indian professionals of all sorts, in the meantime, we hope that tribal courts do not wait for people like us, child psychiatrists or whatever, to help with decisions.

We feel very confident, from the nature of the experiences that we've had that the Indian tribal courts are in the best position to make these essential and complex decisions.

Dr. MINDELL. Senator, in terms of one other recommendation, also, there are a lot of offices that focus on different kinds of things. For example, the Bureau has offices to focus on roads and on relocation and business development. There is no office that particularly focuses on the needs of children, especially the needs of Indian children, and that will be one of our recommendations also, that an office be established that would have as one of its duties to focus on the needs of Indian children.

Senator ABOUREZK. You mean in the Bureau of Indian Affairs?

Dr. MINDELL. I'm not sure where it should be.

Senator ABOUREZK. What about Indian Health Service?

Dr. MINDELL. I'm not sure of the Department of the Interior's abilities in terms of human services, so it might well be best in HEW and Indian Health Services.

We hope that it might be possible not only to have some central focus in the Indian Health Service, but also regional offices as well, because it would have to be individualized according to the shape the region is in.

That particular recommendation is really, the only one that's quite different, or in addition to what Mr. Hirsch recommended before. We strongly go along with all of his recommendations that Mr. Hirsch made before.

Senator ABOUREZK. I wonder if before you go back to where you are working, if you would be willing to spend some time with the staff of the subcommittee to help us obtain some particulars from you, especially Dr. Mindell with his experience in the Indian Health Service.

I might say we are now considering Senator Jackson's Indian health bill and we had hearings last week and we'll mark up the bill soon. I would like, personally, to consider adding, as an amendment to that bill, something along this line. We would like to get some particulars from you if you can do that.

Dr. MINDELL. Yes.

Senator ABOUREZK. If I may summarize, by way of a question, do you believe, as well, that the tribe ought to have pretty much full control over the welfare of Indian children? And, you believe that there ought to be a central office somewhere, perhaps in the Indian Health Service, that is there to look after the interests of the Indian children so far as adoption, foster home care and other interests?

Have I left anything out of your overall recommendations?

Dr. GURWITT. That's the gist of it.

Senator ABOUREZK. I want to thank you both for appearing here today. That was excellent testimony. I'll ask Senator Bartlett if he has any questions.

Senator BARTLETT. Thank you, Mr. Chairman.

I think you made the additional point that it is important to have communications at the tribal level, through the BIA, which I think would be a vital link to what you suggest.

Do you have any suggestions, or do you feel that there has been adequate study made of this problem?

Dr. MINDELL. I think, from the testimony that we've heard today, and the many experiences we've had, I think there's certainly been adequate study made of it, but I think we know that Indian children, we may be able to refine the percentage slightly here or there, but I think the fact remains that Indian children are, to an appalling rate, being removed from their homes. And, that seems to be the solid important issue.

Senator BARTLETT. And this situation exists throughout the United States, in all States?

Dr. MINDELL. I think the association figures, are mostly of 16 States, where the number of children being removed is very high and also the number of children that are being placed in non-Indian homes is very high.

So, in one study, over 90 percent of children being placed up for adoption are in non-Indian homes, and in the second one, 85 percent of the children are being placed in non-Indian foster homes.

Dr. GURWITT. That issue, of the non-Indian placement is an important one throughout the country.

There was a study by the Child Welfare League a few years ago in the major city, retrospectively as to what decisions were made in terms of child placement over a long period of time, how were they made and were they good decisions, as best as could be determined.

Senator ABOUREZK. In your experience, either of you, in these court proceedings, or even in the lack of court proceedings, is generally the burden of showing need for removal of the child, or movement of the child to one place or another, on the parents or is it on the welfare agency? Who has to show that the child has to move somewhere?

Dr. MINDELL. The experience that we've had seems to show that the courts do take the word of the welfare agent much more readily than they take the word of the parents, who by the way are not usually represented by any kind of advocate, where the decision may be made in the courtroom itself, but in the back room in terms of a conversation between the judge and the welfare worker and the judge then comes out and goes through the motions of having a hearing. The judge's mind is made up beforehand on the basis that the welfare worker gives.

Senator ABOUREZK. Generally, in any kind of a legal action the burden of proof is upon the moving party, and in criminal action, it's upon the prosecutor of the State; in civil action, generally, it's the plaintiff or the person who brings the lawsuit. He is then given the burden of either the preponderance of the evidence or beyond a shadow of a doubt, as the terms are used, to prove his case.

I take it, from what you're saying, what happens then in relation to Indian family situations, is that the welfare department, in a lot of cases, will come in, take the child without benefit of any kind of due process. Then, in order to get the child back, the burden of proof shifts from the moving party, which should be the welfare, over to the family themselves.

Is that an accurate statement?

Dr. GURWITT. Yes; it would seem to be the case. It would seem then that the parents who would like to bring the child back have a very hard time getting heard at the hearing.

Senator ABOUREZK. Would you recommend that the division be made that the burden be made on the welfare department itself through some kind of legal procedure?

Dr. MINDELL. I think our recommendation would also imply that the placement of an Indian child should take place under the auspices of the Indian tribal court and the placement decisions, generally be under the auspices of the tribe.

Senator ABOUREZK. What about the burden itself, the burden of proof, where should that rest?

Dr. MINDELL. Again, with the person bringing the allegation.

Senator ABOUREZK. Do you have something, Doctor?

Dr. GURWITT. Yes; if possible, the proceedings and administrative process could be shifted to the tribal court. I would think then that the burden of proof would be up to the particular tribal court and its tribal welfare committee, or however it operates; but the essential thing is that it be within the tribal auspices rather than the outside social group.

Senator ABOUREZK. Excuse me, Senator. Do you want to finish?

Senator BARTLETT. As a general rule, do you feel that children should not be placed up for adoption with non-Indian parents?

Dr. MINDELL. I think, as a general rule, that the resources of the Indian community are not being used by people that are even thi nk ing or talking about adoption. I think there are several issues here One is that welfare agencies tend to think of adoption too quickly without having other options available, such as—well, there are a number of things that can be done to help support a family or origin before you have to get to the point of thinking about adoption.

Once you're at the point of thinking about adoption, it seems to us that welfare agencies are not making adequate use of the Indian communities themselves. They tend to look elsewhere for adoption type of homes.

Senator BARTLETT. I understand that. I'm still wondering about my question, as to whether or not as a general rule you think it is adviseable not to have Indians placed in non-Indian homes?

Dr. MINDELL. As a general rule, yes.

Dr. GURWITT. Yes.

Senator BARTLETT. Then you suggest that there should be inputs by the Indian community in advance of adoptions and approval—is that correct—by the tribe?

Dr. GURWITT. Yes.

Senator BARTLETT. As well as oversight for adoptions that have been consummated to see how those progress; is that correct?

Dr. GURWITT. Yes.

Senator BARTLETT. And, there should be a tie-in with the BIA, or with some governmental end, not for decisionmaking, but for support?

Dr. MINDELL. Yes.

Senator BARTLETT. Thank you for your fine testimony. I appreciate it very much.

Senator ABOUREZK. Thank you very much for coming up to testify.

[The prepared statement of Drs. Mindell and Gurwitt follows:]

THE PLACEMENT OF AMERICAN INDIAN CHILDREN—THE NEED FOR CHANGE

Each state in the United States has a statute which allows its agent (usually the juvenile or family court) to intrude into the privacy of a family and to consider separating the child from his/her family. This ordinarily would occur when

(1) the child has been involved in delinquent acts; (2) when the child has no recognized or legally appointed guardian (i.e., is dependent or abandoned); (3) when the child's needs are not being met by the family (i.e., is neglected); (4) or when the child is being hurt in his/her family (i.e., is abused).

The principle which governs this intrusion has generally been "the best interests of the child." This principle has few standards or criteria facilitating its interpretation and therefore allows for wide variations in how individual states' agents or courts put it into practice.[1] This at least allows for, and perhaps encourages the state's agent to use his own value and moral system in evaluating the child-rearing of any particular family who comes before it. Thus, the judge's (social worker's, probation officer's) estimates of the child's needs and family's ability to meet those needs may be based on his own individual and class values which may differ from the child and his family. Moreover, the greater the degree of powerlessness of a family, the greater is the likelihood of the state's 'benevolent' intrusion, especially when coupled with few standards and no systematic review of judgements.

Such intrusion by state and federal government agents has long been prevalent among families of American Indians, particularly those living on reservations. (There are approximately 800,000 American Indians—about 500,000 live on a reservation.) This intrusion occurs in three areas:

(1) where a child is held to be dependent-abandoned;

(2) where a child is considered to be neglected;

(3) and for another reason altogether; to meet the child's educational needs.

In the last instance, the policy of the Bureau of Indian Affairs (B.I.A., part of the Department of the Interior) has been, on some reservations, to send children as young as six years old to a distant boarding school. Previously this was a widespread practice with the overt aim of "helping" Indian children enter the mainstream of American life. Now, supposedly, the practice continues in regions where educational opportunities have not been otherwise developed; where there are difficult home situations; or deviant behavior. This past educational practice has had a devastating effect on several generations of Indian children, their family life, their specific culture, their sense of identity and their parenting abilities. It is quite likely that the present practices continue to have the same destructive impact, for the message is the same: It is better for Indian children to be reared by other than their parents and people. The complex issues relating to the B.I.A. boarding schools have recently been addressed by the American Psychiatric Association's Task Force on Indian Affairs, in an editorial in *The American Journal of Psychiatry*.[2]

We would like to focus here on the removal of American Indian children from their families and communities by government and voluntary agencies ostensibly for reasons of dependency or neglect.

According to the Association on American Indian Affairs[3,4], the practices of governmental and private adoption agencies have resulted in the wholesale and often unwarranted removal of Indian children from their homes, reservations and people. The figures are alarming. In the states of North and South Dakota, approximately 17 times as many Indian children as white children on a per capita basis are living in foster homes. In Montana, the rate is 10 times the national foster home placement rate. In Minnesota, the rate of foster home placement is four and a half times greater than for non-Indian children.

Further, in Minnesota, as an example, in 1971–72, there were about 1,413 Indian children under 18 in adoptive placement while there were 241 Indian children under 18 in foster care. In Minnesota then, during 1971–72, one in every seven Indian children was in placement outside of their own homes. Ninety-one percent of the *adoptions* were in non-Indian homes. In a survey of 16 states, "approximately 85% of all Indian children in *foster* care are placed in non-Indian homes." In the United States one in every 200 children lives outside of his home of origin. In North Dakota, South Dakota and Nebraska one in every nine Indian children are in foster homes, adoptive homes, institutions or boarding facilities. Indian children in these states are out of their homes at a rate of twenty times the national average.[3]

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[1] Rodham, Hillary. Children Under the Law, *Harvard Educational Review*, 43, No. 4, 1973.

[2] "A Hazard to Mental Health: Indian Boarding Schools." *The American Journal of Psychiatry*, 131, No. 3 (March, 1973).

[3] *Indian Family Defense*. New York: Association on American Indian Affairs, Inc., Winter, 1974.

[4] "Another Chapter in the Destruction of American Indian Families." *Yale Reports*. Oct. 21, 1973, No. 654.

There are, then, two trends: (1) American Indian children are being placed outside of their natural homes at a rate which is alarming. This appears to be a final common pathway reflecting:

1. The Bureau of Indian Affairs' policy and state welfare agencies policy, of getting Indians into the mainstream of America. While this policy has changed at higher levels of the Bureau, its impact at lower levels continues to be present.
2. Options available to placement are either not available, or are inaccessable for varied reasons. Families which are disorganized or are having difficulties in providing for the needs of their children are usually known well in advance of the placement decision. The decision to place the child often assumes that other options have failed whereas, too often, little effort has been made through intervening early with support for the child and his family by the tribe, state and federal agencies. Too often the only clear option appears to be placement.
3. The decision to remove a child from his parents is often made by poorly trained federal and state agency personnel and without the parent's understanding their rights, e.g., where they may voluntarily waive their parental rights without understanding the implications.
4. The child has had no advocate in court to represent his interests, nor, in most cases has his parents.
5. When the decision to place the child is made in court, it is often made by a state court which does not utilize the available and often rich information in the child's extended family and neighboring community related to potential support and care.
6. The standards used in making the placement reflect the majority culture's criteria for suitable placement (e.g., so many square feet of space available for a foster child in the home) and do not take into sufficient account what may be modal within the child's socio-cultural milieu. Thus Indian families are discriminated against as potential foster families.
7. The tribes generally have been given little or no responsibility for controlling or monitoring the flow of monies available for child care.
8. There is no systematic review of placement judgements to insure that the child's placement offers him the least detrimental alternative.[5]
9. There is no person or agency charged with focusing on the needs of Indian children—with, e.g., compiling information and developing comprehensive planning modals adaptable to different regions.

Often the later development of these Native American children placed in off-reservation homes is severely affected. Though cared for by devoted and well-intentioned foster or adoptive parents, they are subject, particularly in adolescense, to ethnic confusion and a pervasive sense of abandonment with its attendant multiple roots and ramifications. Their young adulthood and their own potential parenting abilities are affected.

Recently, Indian communities have become more actively involved with these threats to their survival. In some instances tribal councils have established welfare committees to become involved with decisions pertaining to child neglect and dependency and have adopted more stringent tribal codes governing child welfare matters. Depending on local circumstances, including the varying degree of jurisdictional authority, relationship with the B.I.A., availability of assistance from the Indian Health Service (a section of the Public Health Service) and welfare department, such active participation on the part of tribal groups has led to a reduction of off-reservation placements. Indeed, there are some innovative efforts by Indian tribes to find and support foster homes, establish group homes, residential centers for families and provide for other child-care services. The major point here is the assumption by tribal groups of parental and, in many senses, grand-parental authority vis-a-vis families and children in their community.

While some changes in the practice of child placement have begun on some reservations, more needs to be done. The following are recommendations related to the specific reasons given previously:

1. The Bureau of Indian Affairs and state welfare agencies which are the recipients of federal funds should make explicit an overall goal of supporting the integrity of Indian families and communities. In the area of child placement, this policy would be implemented by recommendation No. 2.
2. Increasing the options available to Indian communities, besides placement, and mandating the integration of these options into a continuum of services

[5] Goldstein, Joseph, Anna Freud, and Albert J. Solnit. *Beyond the Best Interests of the Child.* New York: The Free Press, 1973, p. 111.

under the general direction of the tribal government. The options would be flexible, i.e., able to respond to the needs of an individual family which would vary with time. Such options might include:

(a) in-home help, such as Homemaker care, Home Counselor-Child Rearers able to work within a family for extended periods of time,

(b) out-of-home help such as pre-school care, after-school care, day care, respite service.

3. When placement is considered the child and his parents each should be represented by an advocate. This would help to insure that the interests of each, which are not necessarily the same, and which also may be different than the state's interests, are represented.

4. Decisions about the custody or placement of Indian children should be under the auspices of Indian tribal governments. Agency personnel and professionals would be available in an advisory capacity, but would not be decision-making.

5. Standards related to these decisions, should be developed by and monitored by groups under the auspices of the tribe. Thus decisions about evaluating and providing for the needs of a child and his family would be under the auspices of persons representing the child's and family's socio-cultural milieu.

6. Monies for the support and care of children should flow through the tribe, rather than through B.I.A., Welfare and state welfare agencies. Monies should be available for innovative responses to the need for child care—e.g., the funding of foster families at a rate reflecting their training, their experience and the intensity of the child's needs; the development of group homes; the development of family centers; improving housing to allow for better child care; allowing for subsidized adoption, etc.

7. The tribe should be responsible for systematically reviewing judgements pertaining to child-care and placement in order to attempt to insure that the service is providing the child with the least detrimental alternative.

8. There is no office, at any level, charged with focusing on the needs of Indian children (while there are offices focusing on roads, business and economic development, relocation etc.). Since it seems likely that "children's rights cannot be secured until some particular institution has recognized them and assumed responsibility for enforcing them," [6] this issue should be explored.

These recommendations can be formally legislated by Congress. Indeed, the Association on American Indian Affairs has made very specific legislative recommendations that would enable broad implementation of some of these and related recommendations.

That states also can meet the spirit of these steps is evidenced by the recent establishment by Wisconsin of the American Indian Child Welfare Service Agency with an all-Indian policy board having responsibility for supervising all child placement decisions.

A recent book concerned with the complex issues of child placement highlights the importance of the decisions involved.

". . . by and large, society must use each chlld's placement as an occasion for protecting future generations of children by increasing the number of adults-to-be who are likely to be adequate parents. Only in the implementation of this policy does there lie a real opportunity for beginning to break the cycle of sickness and hardship bequeathed from one generation to the next by adults who as children were denied the least detrimental alternative." [7]

Senator ABOUREZK. The next witness will be Mrs. Cheryl Spider DeCoteau from Sisseton, S. Dak.

Cheryl, I'll leave it up to you about your children coming up with you, perhaps it's better that they don't.

Mr. HIRSCH. Senator Abourezk, if you don't mind, Mrs. DeCoteau suggests that I come up with her.

Senator ABOUREZK. Yes; you may.

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[6] Mnookin, Robert, Foster Care: In Whose Best Interest? *Harvard Educational Review*, 43, No. 4, 1973.

[7] Children Who Cannot Live With Their Own Families, in *Mental Health; From Infancy Through Adolescense* by the Joint Commission on Mental Health of Children, 1973.

STATEMENT OF CHERYL DeCOTEAU, SISSETON, S. DAK,

Cheryl, first of all, I'd like to welcome you to the subcommittee hearings and ask you if this is your first trip into Washington to testify like this?

Mrs. DeCoteau. Yes.

Senator Abourezk. Your first time?

Mrs. DeCoteau. Yes.

Senator Abourezk. Do you have any of the children here with you today?

Mrs. DeCoteau. Yes; two.

Senator Abourzek. Are they here in the room?

Mrs. DeCoteau. Yes.

Senator Abourezk. Cheryl, we want to ask you to go ahead and testify any way that you would like to so you don't feel nervous about it. I just want to tell you that we appreciate you coming in all the way from Sisseton to provide testimony.

As I told the other witnesses, we are hopeful that what you have to tell us today will help other people and prevent the things that happened to you from happening to other people.

Your testimony will be very important to the committee and we are very grateful for you coming.

You can tell your story any way that you like.

First, it might be good to give your name, your age, and exactly where you live, and so on.

Mrs. DeCoteau. Cheryl Spider DeCoteau, I'm 23.

Senator Abourezk. From where?

Mrs. DeCoteau. I'm not originally from Sisseton, but from Minnesota.

Senator Abourezk. You are living in Minnesota now?

Mrs. DeCoteau. Yes.

Herbert John Spider is 5, and Robert Lee is 3, and Joseph there, is 10 months.

Senator Abourezk. Ten months?

Mrs. DeCoteau. Yes.

Senator Abourezk. Only the two oldest ones with you today?

Mrs. DeCoteau. Yes.

Senator Abourezk. Who is keeping the baby?

Mrs. DeCoteau. I have a babysitter in Minnesota.

I had a babysitter watching the kids, in 1970, and I went to them and they wouldn't let me take them.

Senator Abourezk. I have to stop you for just a minute and tell you that I can hardly hear you, because I suspect that what it is, is you're bashful and a little bit scared because of all the lights, and you're afraid to talk. I know you can talk a lot more clearly than that. I know that's because you're a little bit nervous.

If you just talk as loud as you can.

Mrs. DeCoteau. I'll start with my oldest boy, John. I had a babysitter watching him and I went to get him, and they wouldn't give him back to me. So, I went to my social worker and I asked him if he would come with me up there.

Senator ABOUREZK. I have to ask you a couple of questions. When did this take place? Can you tell us the month and the year? Do you want to wait a minute before you start testifying?

Mrs. DECOTEAU. Yes.

That was in December 1970, and I asked him——

Senator ABOUREZK. You asked the social worker?

Mrs. DECOTEAU. Yes. Asked him to meet me at the store. He didn't come. So, I left, and I called from that store, and I said that they already went and they took John, and they took him to a foster home, and that I couldn't get him back.

Senator ABOUREZK. They had taken John without your permission or without your knowledge?

Mrs. DECOTEAU. Yes.

They took him, and I went back up there, and I tried to get him back, and they said " No", that they couldn't. I don't know if they had a court hearing or something. I didn't get any papers or nothing.

Senator ABOUREZK. Did you go to the court hearing?

Mrs. DECOTEAU. No, I didn't. I didn't know they had a court hearing.

Senator ABOUREZK. They had a court hearing without your knowledge?

Mrs. DECOTEAU. They had a petition or something.

I didn't know anything about it, and when I did go, they had to appoint me a lawyer. The welfare appointed me a lawyer, so I went to see him. The judge appointed me a lawyer.

I went to see him, and he didn't try to help me or anything. All he did was just ask me my age, name and address, and the name of my first boy and my other one. Then he asked me how old they were, and that was all. Then he said he was going to go talk to the judge and the welfare workers. He didn't do anything because I didn't know anything that happened until July of 1971.

Senator ABOUREZK. Did they keep John all that time?

Mrs. DECOTEAU. Yes. They had John all that time in a foster home.

Senator ABOUREZK. Did you know where he was?

Mrs. DECOTEAU. No; I didn't know where he was. I kept asking, but they wouldn't tell me where he was or anything.

Senator ABOUREZK. I'd like to ask you to back up just a minute. Did this happen in South Dakota or Minnesota?

Mrs. DECOTEAU. It was in Sisseton.

Senator ABOUREZK. Did the welfare department ever, to your knowledge, prove that you weren't being the best mother for that child at all, and perhaps your lawyer, Mr. Hirsch, can answer if you're unable to?

Mrs. DECOTEAU. The man said that I wasn't a very good mother and everything, and that my children were better off being in a white home where they were adopted out, or in this home, wherever they were. They could buy all this stuff that I couldn't give them, and give them all the love that I couldn't give them.

Senator ABOUREZK. They said that, but did they really prove that in court, or did they give any specific examples of why you weren't a good mother?

Mr. HIRSCH. The answer to that is "No."

Senator ABOUREZK. Did you work on this case?

Mr. HIRSCH. Yes. Mrs. DeCoteau was my client. She became my client after she had already had about two or three other lawyers who weren't able to do anything for her.

It was never proven in court that she was unfit. We had a hearing in the district county court.

Senator ABOUREZK. In Roberts County?

Mr. HIRSCH. In Roberts County.

We had a hearing on two full days and the State, or the county put forward several witnesses and we never completed that hearing. So, a final disposition on the merits was never reached because we took an appeal based on lack of jurisdiction of the court to adjudicate anything with regard to Mrs. DeCoteau's children.

That appeal was lost in the South Dakota Supreme Court which stated that the court did have jurisdiction and a petition for certiorari is now before the U.S. Supreme Court in that case.

Since the time that the appeal was taken on the jurisdictional ground, the proceedings on the merits were suspended, pending the outcome of the jurisdictional appeal.

We were successful in retrieving custody of Mrs. DeCoteau's oldest child, John, during the pendency of the appeal on this issue.

But, there were hearings on the merits and there was testimony in the record from Mrs. DeCoteau's social workers, their opinion that she was unfit and the reasons therefore.

Senator ABOUREZK. Is it true that you found out about the original hearing accidentally and that she was given no notice of the hearing?

Mr. HIRSCH. The original hearing was one of the grossest violations of due process that I have ever encountered. Unfortunately, I find it is quite commonplace when you're dealing with Indian parents and Indian children.

Senator ABOUREZK. Did you get notice?

Mr. HIRSCH. She did not get notice of either the first hearing or the second hearing.

The first hearing was a hearing on the petition of the social worker stating that there was a need for emergency custody in the department of welfare over Mrs. DeCoteau's children.

The judge issued an order placing that child in the custody of the department of public welfare without informing Mrs. DeCoteau that such a hearing was taking place, and without allowing her an opportunity to come before the court and submit testimony that such an order should not be issued.

So, the child was placed in a foster home and the judge appointed an attorney for Mrs. DeCoteau and set a hearing date on the issue of dependency and neglect. Pending the hearing the child was to remain in a foster home.

In other words, you were talking before about burden of proof. They already took the child away from her prior to having any hearing on unfitness and the burden of proof was very clearly shifted on Mrs. DeCoteau to prove that she was fit, rather than the State proving that she was unfit.

Then the hearing was scheduled for about 7 months after the child was originally taken from her.

Then the hearing was scheduled. They notified Mrs. DeCoteau by publication in the local Sisseton paper, despite the fact that her

social worker knew exactly where to find her. This is another problem where the State quite frequently uses the publication notice when, in fact, they know very clearly where the person can be found and how to serve that person directly. They use publication notices instead.

Needless to say, these people don't usually make a habit of reading the local paper. She found out entirely by accident that there was a hearing on the merits because another tribal member happened to pick up the paper the day before the hearing and noticed that the hearing was scheduled for the next day.

Senator ABOUREZK. All right.

Cheryl, then, did you have a subsequent experience with the welfare people with regard to your second son, Bobby?

Mrs. DECOTEAU. Yes.

Senator ABOUREZK. I wonder if you could tell us what happened there?

Mrs. DECOTEAU. I was pregnant with Bobby and the welfare came there and asked me if I would give him up for adoption.

Senator ABOUREZK. While you were pregnant with him?

Mrs. DECOTEAU. Yes.

Senator ABOUREZK. Before he was even born?

Mrs. DECOTEAU. Yes.

They just kept coming over to the house. They came every week. On a certain day they come and they kept talking to me and asking if I would give him up for adoption and said that it would be better.

They kept coming and coming and finally when I did have him, he came to the hospital. After I came home with the baby, he would come over to the house. He asked me if I would give him up for adoption and I said no.

He'd go back again and he'd come next week and ask me again and I'd say no.

He let me alone for awhile until I moved into Sisseton and moved in town.

He kept coming over and asking if I would give him up for adoption. Then he called me one afternoon and said if I wanted to give him up, and I said no; and the next morning, real early he came pounding on the door and I let him in and he asked me if I'd come up to the office. He had something to talk to me about.

So, I went up to the office and there were a whole bunch of papers there. I was kind of sick then too and I didn't know what I was signing. He just asked me if I would sign my name on this top paper, and I signed it and he sealed it or something. I signed it and he signed it, and sealed it or something.

Senator ABOUREZK. Do you know what that paper was?

Mrs. DECOTEAU. No; I didn't know what that paper was. But, then they took the baby and I asked him what he was doing, and he said it was too late now, that I gave him up for adoption. I signed the papers.

Then, they took him. They told me to wait a week. Before all this happened, when I did sign the paper, he told me to come back and see him in a week and he would tell me if I could have him back or not.

When I did go back in 1 week, that's when he told me it was too late, that I had signed the papers for adoption and I couldn't get him back.

Senator ABOUREZK. How old was the baby when he took him?

Mrs. DeCoteau. He was 4 months.

Senator Abourezk. Can you describe how they came and took him, or how that happened?

Mrs. DeCoteau. When they came to the house there, I just had the baby with me. My grandmother took John home the day before. I had the baby with me and then I took him with me when I went up there. Before I signed the paper, one of the social workers came there and took him to the next room. When they did that, I signed the papers and stuff and they wouldn't give him back to me. They wouldn't let me take him home and all that. They told me that they'd give me 1 week and to come back and see him in 1 week.

Senator Abourezk. You mean you took the baby with you when you signed the papers and they kept the baby right there?

Mrs. DeCoteau. When they took me in the office there, the social worker went and called another lady in to watch the baby in the next room until I got done. When he got through talking with me, when they took the baby and I signed the papers, they just took him right out the doors and they took him right to the foster home the same day.

Afterwards, I went to see an attorney and he said that he would help me, and that was in March 1970. And, it took me until February. No, this all happened in March 1970.

I went to this lawyer and he said that he would help me and I filled out all kinds of papers and answered all the questions he wanted to know and then he said he'd let me know.

I didn't hear nothing from him for awhile and I think it was in August he called me and I went to see him. He said that a date was set in September 1970, to have a court hearing.

We went to that, but I lost that. This was before John was taken away, because they took Robert and then John was taken away. My grandfather notified me and said that I had to go to court for both kids. They were going to give them up for adoption and that's when Bert here, he was my lawyer.

Senator Abourezk. Did you eventually get Bobby back?

Mrs. DeCoteau. I got him back last April.

Senator Abourezk. How long did you and your lawyer have to fight that in court before you got him back?

Mrs. DeCoteau. About 10 months, 7 months for Johnny and 10 for Robert.

Senator Abourezk. It was almost a year and a half for both kids?

Mrs. DeCoteau. Yes.

Senator Abourezk. Do you have custody now of all three of the children?

Mrs. DeCoteau. Yes.

Mr. Hirsch. That was 10 months, Senator, after I became involved in the case. She had been trying for quite some time before that to get the kids back.

Senator Abourezk. Yes.

Cheryl, did you have anything more to say?

Mrs. DeCoteau. No.

Senator Abourezk. I want to thank you very much. Senator Bartlett probably has some questions.

Senator Bartlett. Thank you, Mr. Chairman.

I wonder if, Mr. Hirsch, in either case, was there any indication of black market for adoption?

Mr. HIRSCH. As close as I can come to answering affirmatively to that question is to describe to you an incident that occurred in the county welfare office when I went to serve papers for tribal intervention. The tribe felt very strongly about this case and the tribe wanted to intervene in the case on behalf of Mrs. DeCoteau and to assert a tribal right to maintain custody of these children within the tribe.

I went to serve intervention papers upon the State's attorney and he was with one of the supervisors, codirectors of the county welfare department. When I served those papers we had the following exchange: I gave him the papers. He said why is the tribe so interested in this case. What is the big issue here?

I said that the tribe was concerned that if many more of their children were taken, because there's been quite a history of taking these kids from this reservation, that they were afraid that their very survival would be at stake.

And, the codirector of this county welfare office responded to that by shrugging his shoulders and saying, "So, what?"

Senator BARTLETT. Mr. Hirsch, has there been any indication by the large number of adoptions that there is a black market for children for adoption?

Mr. HIRSCH. I would say you could describe it as a gray market, rather than a black market. Although, there have been in the past, I suppose, quite a few cases that might be more accurately described as black market cases. Recently, they've only had a few of those types of cases that I know of.

I think it is more accurately described as a gray market. I think there's tremendous pressure to adopt Indian children, or have Indian children adopted out. I think that local welfare workers in Indian communities feel this pressure intensely. They have long lists of non-Indian applicants for Indian children, and they feel obliged for a whole variety of social resaons to comply with the orders that they receive for children.

Senator BARTLETT. You say long lists for adopting Indian children. Is that a relative term? Is there more interest in adopting Indian children than other children?

Mr. HIRSCH. I think so. I think there's more interest in adopting Indian children primarily because non-Indian potential adoptive parents are white. They do not want to have a black child, as a generalization. White children are unavailable, there are just a few; and they are generally now settling on either Indians or orientals.

Senator BARTLETT. You mentioned just a moment ago that the tribe took particular interest in Mrs. DeCoteau.

When did they take the interest? At what time in the whole procedures?

Mr. HIRSCH. I first became aware of the tribe's interest, I would say, about 2 to 3 weeks before the proceeding in court the second time. This was the time that Mrs. DeCoteau did not even know of the proceeding. The tribe did not know that Mrs. DeCoteau was going to be there. She was not in his section at that time and they knew where she was but they didn't know whether she had received notice. I was really asked by the tribe to come in and represent the tribe's interest in that proceeding. I was not representing Mrs. DeCoteau.

Mrs. DeCoteau showed up that day and the tribal council and Mrs. DeCoteau. Both asked me if I would represent her. I agreed to repre-

sent both the tribe and Mrs. DeCoteau, since there was no conflict of interest between them.

Senator BARTLETT. Was the Bureau of Indian Affairs contacted by Mrs. DeCoteau or the tribe or anybody connected with the problem?

Mr. HIRSCH. Mrs. DeCoteau says that she did not contact the Bureau of Indian Affairs.

I did contact the Bureau in an effort to obtain some information that they had in their case files on Mrs. DeCoteau and her family situation which I thought would be helpful to my case.

I was told that those files were confidential and I could not get them.

Senator BARTLETT. Who were you told that by?

Mr. HIRSCH. By the area's social worker.

Senator BARTLETT. Was the area's social worker connected with BIA?

Mr. HIRSCH. Yes. He is the chief of social services for the area office.

I was going to pursue that further and make a major effort to get those documents, but because of the turn that these proceedings took, it became unnecessary and I never did pursue it further.

Senator BARTLETT. Thank you very much.

Thank you very much Mrs. DeCoteau.

Senator ABOUREZH. I want to thank you very much Mrs. DeCoteau, especially for your testimony, which is very revealing and which, again, I hope will be very helpful.

Thanks for coming.

Mr. HIRSCH. Senator Abourezk, if I might, I'd like to request permission to submit for the record statistical preparations that we've made.

Senator. ABOUREZH. Yes. They will be accepted.

[Subsequent to the hearings Mr. Hirsch submitted the following:]

Association on American Indian Affairs, Inc.
432 Park Avenue South, New York, N.Y. 10016

ARIZONA INDIAN ADOPTION AND FOSTER CARE

Basic Facts

1. There are 701,098 under-21-year-olds in the State of Arizona.[1]
2. There are 54,709 under-21-year-old American Indians in the State of Arizona.[2]
3. There are 646,389 non-Indians under 21 in the State of Arizona.

I. Adoption. In the State of Arizona, according to the Arizona Department of Economic Security, there is an average of 48 public agency adoptions per year of American Indian children.[4] Using federal age-at-adoption figures,[5] 69 per cent (or 33) of these are under one year of age when placed. Another 11 per cent are one or two years old; an additional 9 per cent are three, four, or five years of age; and 11 per cent are over the age of five. Using the formula then that 33 Indian children per year are placed in adoption for at least 17 years and an additional 15 Indian children are placed in adoption for a minimal average of 14 years, there are 771 Indian under-21-year-olds in adoption in Arizona. This represents one out of every 71 Indian children in the State.

Using the same formula for non-Indians (there is an average public agency placement of non-Indians in adoptive homes in Arizona[6] of 446 per year as of 1971). There are 7,168 non-Indians in adoptive homes at any one time, or one out of every 90 non-Indian children.

Fact: There are therefore by porportion, 1.3 times as many Indian children in adoptive homes as non-Indians.

II. Foster Care. According to statistics from the Bureau of Indian Affairs,[7] there were 522 Indian children in foster homes in 1972. This represents one in every 105 Indian children in the State. By comparison, there were 2,328 non-Indian children in foster homes in 1972,[8] representing one out of every 278 non-Indian children in the State.

Fact: By rate therefore Indian children are placed in foster homes 2.6 times more often than non-Indians in Arizona.

III. Adoptive Care, Foster Care, and Boarding School Attendance. In the above figures it will be noted that the State of Arizona shows an unusually low number of Indian adoptions and foster home placements by comparison to other states with substantitive Indian population. The reason for this is clear: the large number of Indian children attending boarding schools full time. In Arizona alone 12,342[9] Indian children attend boarding schools, or one out of every 4.4 Indian children under 21 years old in the State. Therefore, a more proper way of computing the number of Indian children who do not live in their natural homes in the State of Arizona, is to include the boarding school figures.

When this is done, it can be seen that the combined total of Indian children in foster homes, adoptive homes and boarding schools is a minimum of 13,635,[10] representing more than one out of every four Indian children in the State.

Since no non-Indians are forced to go to federal boarding schools, the non-Indian figure of 9,496[11] non-Indian children in adoptive homes and foster homes remains the same, thus representing one out of every 268 non-Indians.

> Fact: In other words, Indian children are out of their homes and in foster homes, adoptive homes, or boarding schools at a rate more than 17 times greater than that for non-Indians in the State of Arizona

The Arizona statistics are unfortunately based on incomplete totals from the State. Therefore, what is covered here is basically a minimal total. Additionally, because the State of Arizona and the State of New Mexico have a number of duplicated statistics, it is difficult in some cases to sort them out.

Association on American Indian Affairs, Inc.
432 Park Avenue South, New York, N.Y. 10016

MINNESOTA INDIAN ADOPTION AND FOSTER CARE

Basic Facts

1. There are 1,381,487 under-18-year-olds in the State of Minnesota.
2. There are 11,542 under-21-year-old Indians in the State of Minnesota.
3. There are 1,369,945 non-Indians under 21 in the State of Minnesota.

I. Adoption. We can estimate -- given the conclusion that the vast majority of Indian-child adoptions are non-relative adoptions -- that at the present time approximately 1400 Indian children are now in adoptive homes in the State of Minnesota. This figure is derived from the fact that over the past eighteen years an average of eighty Indian children per year[1] have been placed for adoption (more in recent years, the last five years (1967-1972) averaging 126 per year[2], 1961-1966 averaging 56 per year[2]). Since the average age at adoption, for non-relative adoptions, is three to four months of age,[3] under-18 adoptions last for approximately 17 years, 8 months. Thus, 17.66 X 80 = 1413.

Fact: An estimated minimum of 1413 Indian children in Minnesota under 18 years of age are in adoptive homes.

Given 1413 under-18 Indian children in adoptive homes in Minnesota, given a total under-18 Indian population in Minnesota of 11,542[4] we can conclude that approximately one out of every eight Indian children under 18 in Minnesota is in an adoptive home.

Fact: One out of every eight Indian children under 18 is in an adoptive home in Minnesota.

Although the overall 18-year rate for adoption of Indian children shows the above rate, a closer examination of the statistics indicates a ratio figure which more clearly reveals the latest trend. In 1971-1972 one hundred and fifty-nine Indian children were adopted in Minnesota;[5] in that same year an estimated 558 Indian children were under one year of age;[6] since the average age at adoption is 3-4 months, as stated above, most of the 159 adoptions involved the 558 under-one-year-olds. Since 65% of adoptions involve under-3-month-olds,[7] one hundred and three of the 159 children above were under three months old. A purely speculative minimal estimate of another 15% of the children were between 3 months - 12 months of age: if so, another 24 children were under one year of age when placed or a total of 127 Indian children placed for adoption in 1971-72 in Minnesota were less than twelve months of age. Thus, 127 Indian children of the 558 in that age group in 1971-72 were adopted, or one out of every 4.4 Indian children. If that rate were to continue, and indications are that it is continuing and even increasing,[8] an

unbelievable ratio of approximately one in four Indian children under 18 in the State of Minnesota would be in adoptive care and homes within ten years.

Fact: An estimated one in every 4.4 Indian children under one year of age in Minnesota in 1971-72 was in an adoptive home. Stated another way, one out of every 4.4 Indian children born in Minnesota in 1971-72 was placed for adoption.

PROJECTION: At current adoptive rates, within ten years one in every four Indian children under age 18 will be in adoptive homes in the State of Minnesota; thus, 25% of all Indians within a generation would have been brought up by adoptive parents, mostly non-Indian. (At least 91% of the adoptions of Indian children in Minnesota were made by white adoptive parents).[9]

For the State of Minnesota as a whole, there are 1,369,945 non-Indian children under 18 years of age.[10] Of the total, 2242 non-Indians were adopted in 1971-72[11] by non-related petitioners, or one in every 611 children in Minnesota under 18 were adopted in 1971-72. This compares to one in every 76 Indian children under 18 (11,542 ÷ 152[12]). Thus, eight times as many Indian children

under 18 were adopted in Minnesota in 1971-72 as non-Indian children, or, stated another way, 800% more Indian children were adopted in 1971-72 than non-Indian children, by population.

> Fact: One in every 76 Indian children in Minnesota was adopted in 1971-1972, compared to one in 611 non-Indian children. Indian children are adopted today in Minnesota at a rate eight times the norm for non-Indian children.

Of the 152 Indian children adopted by non-related petitioners in 1971-72, an estimated 127 were under one year old.[13] Using the same procedure (80% of all non-related adopted children are under one year of age at the time of adoption[14]), 1794 non-Indians under one year of age were adopted in 1971-72. There were approximately 65,796 non-Indians under one year of age in Minnesota in 1971-72, using 1970 census figures.[15] Thus, while one of every 4.4 under-one-year-old Indian children under one year old were adopted in 1971-72,[16] one of every 36.7 non-Indian children under one year old was adopted in 1971-72. Thus, the rate of Indian adoptions under one year old, an ever-increasing rate, is 8.3 times the rate for non-Indians.

Fact: Indian infants -- under-one-year-olds -- are adopted today at a rate 8.3 times (830%) greater than the rate for non-Indians in the State of Minnesota.

An average of 1817 non-Indian children per year under 18 have been adopted by non-relatives in Minnesota over the past 18 years.[17] This means that, given an average age at adoption of 3-4 months,[18] adoptions last an average of 17.66 years. Thus, 17.66 X 1817 or 32,088 non-Indian children under 18 are in adoptive homes in Minnesota. There are 1,369,945 non-Indians under 18 in Minnesota.[19] Thus, one out of every 42.6 non-Indian children under 18 in Minnesota is in an adoptive home. This compares to one out of every 8 Indian children.[20] Therefore, Indian children are adopted at a rate more than five times that for non-Indian children in Minnesota.

Fact: Indian children are in adoptive homes at a rate more than five times that for non-Indian children.

Since at current rates,[21] one in every four Indian children will be in adoptive homes within ten years, the comparative rate difference between Indian children and non-Indian children, if present trends continue, will be greater than 1,000% within ten years.

II. Foster Care. There were a minimum of 262 Indian children in foster care in 1971-72 in the State of Minnesota.[22] This represents one out of every 48 Indian children.[23]

Fact: A minimum of 262 Indian children under 21 are in foster care in Minnesota, or one out of every 48 Indian children.

Whereas, 7,288 non-Indian children under 21 were in foster care in 1971-72[24] of a total under 21, non-Indian population in Minnesota of 1,566,815.[25] Thus, one of every 215 non-Indian children were in foster care in Minnesota as compared to one in every 48 Indian children; or, the rate for Indian children placed in foster homes is 4-5 times the rate for non-Indians, or 450% greater.

Fact: Indian children are placed in foster homes 4-5 times as often as non-Indian children in Minnesota.

An average of 259 Indian children are in foster care in Minnesota in any given year.[26]

III. Combined Foster Care and Adoptive Care. Given the 1971-72 figure of 262 children under 21 in foster care, it can be estimated that approximately 241 are under 18.[27] Further, given 1413 Indian children under 18 in adoptive care,[28]

and 241 under 18 in foster care in 1971-72, a total of 1654 Indian children under the age of 18 were either in foster or adoptive homes in 1971-72. This represents one out of every seven Indian children in the State of Minnesota.

Fact: One out of every seven Indian children in Minnesota is in either a foster home or an adoptive home.

Whereas, there are 7,288 non-Indian children in foster care in Minnesota under 21, an estimated 6,682 are under 18.[29] Additionally, 32,088 non-Indian children are estimated to be in adoptive homes.[30] Thus, 38,770 non-Indian children under 18 are either in a foster home or an adoptive home, or approximately one in every 35.5 non-Indian children under 18.[31] Thus, Indian children are out of their natural homes, in foster or adoptive care at a rate more than five times that for non-Indian children.

Fact: Proportionally, five times as many Indian children as non-Indian children are in foster homes or adoptive homes.

FOOTNOTES

1. Minnesota Department of Public Welfare, Annual Report, Adoptions, 1971-72, P. 14.

2. Ibid., P. 14.

3. Adoptions in 1971, U.S. Dept. of HEW, SRS, Program Statistics & Data System, National Center for Social Studies, P. 3.

4. 1970 Census of Population, American Indians, Bureau of the Census, P. 8.

5. Op. Cit. Minn. DPW - Adopt. - P. 14.

6. Op. Cit. Census American Indian, P. 8.

7. Op. Cit. Adoptions in 1971, HEW, P. 3.

8. Op. Cit. Minn. DPW, Adopt. - P. 14.

9. Ibid., P. 17.

10. 1970 Census of Population, Age and Race of Population of the United States, by States: 1970; U.S. Dept. of Commerce, March, 1972.

11. Op. Cit. Minn. Dept. PW - Annual Report, Adoptions, 1971-72, P. 22.

12. 152 American Indians under 18 were adopted by non-related petitioners in 1971-72; Op. Cit. Minn. DPW, Annual Report, Adopt. 1971-72, P. 22.

13. See P. 2, this report.

14. Op. Cit. U.S., Dept. HEW, SRS, Prog. State, P. 3.

15. Op. Cit. 1970 Census of Pop., Age, Race Pop., U.S. Dept. of Commerce, P. 1-302 and Op. Cit. Census of Population, American Indian, Bureau of Census, P. 8.

16. See P. 2, this report.

17. Op. Cit. Minn. DPW, Annual Rep. - Adopt. - 1971-72, P. 14. Also: Averaging 79% non-related adoptions of non-Indians of total non-Indian adoptions: 79% of 2300 (average total non-Indian adoptions over 18 years).

18. Op. Cit., Adoptions in 1971, U.S. Dept. HEW, SRS, Prog. Stat., P. 3.

19. Op. Cit., Census of Pop., Age/Race Pop., U.S. Dept. of Commerce, P. 1-302. (1,381,487) less Indian under-18 population (11,542 - from U.S. Census of pop., American Indians, Bureau of the Census, P.() = 1,369,945.

20. See P. 2, this report.

21. See P. 3, this report.

22. Minn. Annual Report for Indian Foster Care Contract (Year ending June 30, 1972, P. 5 hereafter referred to as Minn. Foster Care, 1972. Also: This figure as opposed to adoptions includes 18-20 year olds.

23. Op. Cit., 1970 Census of Pop., American Indian Bureau of the Census, Pp. 8-9.

24. Dept. HEW Publication No. (SRS) 73-03258, "Children Served by Public Welfare Agencies and Volumtary Child Welfare and Institutions, March, 1971, U.S. Dept. of HEW, Table 8. Hereafter: DHEW Public. Less 262 American Indians in foster care = 7288.

25. Op. Cit. 1970 Census of Pop. Age-Race, U.S. Dept. of Commerce, P. 1-302 and Op. Cit. Census of Pop., American Indian, Bureau of Census, P. 8.

As follows: Under 18 Minneapolis Pop.	1,381,487	
Estimated Pop. 18,19 & 20-yr.olds.	198,000	
	1,579,487	
Less Indian Pop. under 21	12,672	
	1,566,815	÷ 7,288

26. Op. Cit., Minn. Foster Care, 1972, P. 4, "Case Openings and Case Closings, 1962-1972."

27. An average of 12 children/age group are in foster care (259 ÷ 21), but far fewer are between the ages of 18-20 proportionally than in other age groups. I have estimated 7 per year or 21 total for 18-20 age group.

28. See P. 1, this report.

29. Using same procedure as on Page 5, this report see Footnote 27. Footnote 27.

30. See P. 5, this report.

31. 1,369,945 — 38,77¼, or total under-18 non-Indian pop. divided by non-Indian adoptive children and foster-care children.

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SOUTH DAKOTA ADOPTION AND FOSTER CARE STATISTICS

BASIC FACTS:

BIA serves 28,398 on-reservation Indians in South Dakota*-1.

Approximately 51% of this population is under 21*-2

Therefore, approximately 14,482 Indians under the BIA in South Dakota are under 21.

Total South Dakota completed, non-related adoptions (according to records of South Dakota, Department of Public Welfare) since 1967-68: 908 (by telephone).*3.

Total Indian, non-related completed adoptions since 1967-68: 350 (by telephone).*3.

I. One in every 2.6 completed, non-related adoptions in South Dakota since 1967-68 as acknowledged by the South Dakota Department of Public Welfare, has been Indian, whereas only one out of every 15 under 18-year-olds in South Dakota is Indian.*4. Thus, almost 6 times as many Indians as non-Indians, proportionally, are placed for adoption in South Dakota.

By percentage, approximately 40% of all adoptions, by South Dakota Department of Public Welfare, are Indian whereas Indians under 18 represent only 7% of the under-18 population in South Dakota.

II. An average of 55 Indian children per year are adopted in South Dakota. Since at least 80% of these, as a minimum, are placed under the age of one year*-5 (44), living in an adoptive home therefore for approximately 17 years or more, and since the remainder (11) can be considered to average at least 14 years in adoptive homes,*6 at any one time

approximately 902 Indian children in South Dakota, under 21, are in adoptive homes; this is one in every 21 Indian children in the State. Using only the non-Indian under 21 population for South Dakota, and the same age-duration of placement formula there are 1,675 non-Indian children in adoptive homes, or one in every 158 non-Indians, a rate more than 7.5 times lower than for Indians.

III. In 1970-71 one in every 18 Indian children born in that year was placed for adoption (80% of the 67 Indian children listed as placed for adoption by South Dakota Department of Public Welfare in 1970-71, as a portion of the 1,010*-7 Indian children born in that year); this compares to one in every 94 children (all) born in South Dakota in 1970 placed for adoption (approximately 10,850 children*-8 born in South Dakota in 1970, and 116 non-Indians placed for adoption). The rate here, once again, is more than 5 times higher for Indians than for non-Indians.

IV. The Bureau listed 471 under 21-year-old Indian children in foster care in 1972.*9

The State lists approximately 600 non-Indians in foster care in 1972*10 representing one out of every 440 of the 264,051 non-Indians*-11 and non-reservation Indians in South Dakota under 21. In other words, using only BIA figures, Indian children are removed from their homes and placed in foster care at a rate 11 times the rate for non-Indians.

V. Additionally, the State of South Dakota lists approximately 360 Indian children in foster care in 1973 (the numbers have not increased according to a phone conversation with SDWD officials since 1972 so we can assume that 1972 figures were at least as high). Of these, the BIA

indicates an average of 60 per month are under State-BIA contract*-12 and therefore would be duplicated in the above-mentioned 471 BIA figures. Therefore approximately another 200 Indian children are in foster care in the State of South Dakota apart from the Bureau figures. This brings the total number of Indian children in foster care under 21 in South Dakota to a minimum (in 1972) of 671. The combined BIA and State Indian under-21 population as noted by the American Indian Census Report (1970) is 18,864*-13. This means that one out of every 28 Indians in South Dakota under 21, at a minimum, was in foster care in 1972. Indian children are in foster care in South Dakota therefore at a rate of 15.7 times that for non-Indians.

VI. Combined Foster Care and Adoption Statistics;

Using the adoptive figures cited before of 902 Indian children in adoptive care in South Dakota, and the foster care figures cited above (671) for 1972 we can see that a total of 1,573 Indian children under 21 were either in adoptive or foster care; this represents one out of every 12 Indian children in the State, and does not include Indian boarding shcool students.

The same calculation for non-Indian children shows 1,675 in adoptive care and 600 in foster care, a total of 2,275 non-Indians were out of their homes in adoptive or foster care in 1972. This represents one out of every 116 non-Indian children. In other words Indian children are taken out of their homes and placed in adoptive or foster care at a rate almost 10 times (9.6) that for non-Indians.

VII. Additionally Indian children represent almost 41% of the children in foster and adoptive care in South Dakota, but they represent only 6.5% of the total under-21 population in the State.

SUMMARY:

ADOPTION: Indian children are placed for adoption in South Dakota at a rate more than 7.5 times that for non-Indian children.

FOSTER CARE: Indian children are placed in foster care in South Dakota at a rate 15.7 times that for non-indian children.

COMBINED: Indian children are taken out of their homes and placed in foster or adoptive care at a rate almost 10 times that for non-Indian children.

FOOTNOTES

1. From Aberdeen Area Office, BIA.
2. "American Indians" 1970 Census of Population, U.S. Dept. of Commerce, Bureau of the Census, p.14.
3. Gathered from Mrs. Margaret Hansen, S.D. Dept. of Public Welfare, Pierre, S.D.
4. Op. Cit., "American Indians," p.14 and U.S. Census Bureau's, "1970 Age of Race Population," p.1-307.
5. "Adoptions in 1971" U.S. Dept. of HEW, SRS, Program Statistics and Data Systems, Nat'l Center for Social Statistics, May 23, 1973, Table 6.
6. Ibid
7. Op. Cit., "American Indians," p.14.
8. Op. Cit., "1970 Age and Race Population," p.1-307.
9. BIA Statistics, FY1972 - "Child Welfare - Unduplicated Case Count," p.3
10. By phone, A.R. McCorkle South Dakota DPW, and "Children Served by Public Welfare Agencies and Voluntary Child Welfare Agencies, 1971" DHEW Pub. No. (SRS) 73-0325 Table 8.
11. Op. Cit. "1970 Age and Race Population" p.1-307
12. Phone Conversation with Aberdeen Area Office, Roger Lonnevik, February, 1974.
13. Op. Cit. "American Indian Report," p.14

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STATE OF WASHINGTON ADOPTION AND FOSTER CARE STATISTICS

Basic Facts

1. There are 1,357,716 under 21-year-olds in the State of Washington.[1]
2. There are 15,980 under 21-year-old American Indians in the State of Washington.[2]
3. There are 1,341,736 non-Indians under 21 in the State of Washington.[3]

I. Adoption In the State of Washington according to the Washington Department of Social and Health Services, there are an average of 48[4] completed non-related adoptions of Indian children a year. Using the State's own figures, 69%[5] (or 33) are under 1 year of age when placed. Another 11% are 1 or 2 - years-old; an additional 9% are 3, 4, and 5; and 11% are over the age of 5. Using the formula then that 33 Indian children per year are placed in adoption for at least 17 years and an additional 15 Indian children are placed in adoption for a minimal average of 14 years, there are 771 Indian under-21-year-olds in adoption at any one time in the State of Washington. This represents one in every 20.7 Indians under the age of 21 in the State. Using the same formula for non-Indians (an average of 213 non-Indian children per year are adopted in Washington[6]) there are 3,423 non-Indians in adoptive homes at any one time, or one in every 392 non-Indian children.

Fact: There are therefore, by proportion, 19 times as many Indian children in adoptive homes in Washington as non-Indians.

II. Foster Care According to statistics from the Washington Department of Social and Health Services[7] there were a minimum of 558 Indian children in foster homes in 1973. This represents one in every 28.5 Indian children. By comparison, there were 4,873 non-Indian children in foster care in 1973[8] representing one in every 275 non-Indian children in the State.

Fact: By rate, therefore, Indian children are placed in foster care almost 10 times (9.6) as often as non-Indian child-

ren in the State of Washington.

III. Combined Foster Care and Adoptive Care Using the above figures, a total of 1,329 under 21 year-old Indian children are either in foster homes or adoptive homes in the State of Washington. This represents one in every 12 Indian children. Similarly, for non-Indians in the State, 8,296 under 21-year-olds are either in foster care or adoptive care, representing one in every 162 non-Indian children.

Fact: By rate, Indian children are removed from their homes and placed in adoptive care or foster care 13.5 times more often than non-Indian children in the State of Washington.

The above figures are based only on the statistics of the Washington Department of Social and Health Services and does not include private agency placements or boarding school placements. They are therefore minimal figures.

FOOTNOTES

1. "Age and Race Population, by States, 1970," p. I-308.
2. "American Indians, 1970 Census of Population," p.16.
3. 1,357,716 - 15,980 = 1,341,736
4. Letter from Dr. Robert J. Shearer, Assistant Secretary, Social Services Division, State of Washington, Department of Social and Health Services, April 4, 1973.
5. Ibid.
6. Ibid.
7. Ibid.
8. Ibid.

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WISCONSIN ADOPTION AND FOSTER CARE STATISTICS

Basic Facts

1. There are 1,843,534[1] under 21-year-olds in the State of Wisconsin.
2. There are 10,456[2] under 21-year-old American Indians in the State of Wisconsin.
3. There are, therefore, 1,833,078[3] non-Indians under 21 in Wisconsin.

I. Adoption. In the State of Wisconsin, according to the State Division of Family Services, there are an average of 48[4] completed, non-related adoptions of Indian children per year. Using the State's own figures, 69% (or 33)[5] are under one year of age when placed. Another 11% are one or two-years-old; an additional 9% are 3, 4, and 5; and 11% are over the age of 5. Using the formula, then, that 33 Indian children per year are placed in adoption for at least 17 years, and an additional 15 Indian children are placed in adoption for a minimal average of 14 years, there are 771 Indian under-21-year-olds in adoption at any one time in the State of Wisconsin. This represents one out of every 13.5 Indians under the age of 21 in the State. Using this same formula for non-Indians (an average of 473 non-Indians per year are adopted in Wisconsin)[6] there are 7,600 non-Indians under 21 in adoption at any one time, or one out of every 241 non-Indian under 21 years of age in the State.

Fact: There are therefore, by proportion, 17.8 times as many Indian children in adoptive homes in Wisconsin as non-Indians.[7]

Additionally, using the 1970 census figure for Indian births in Wisconsin, we can see that one in every 13 Indian children born in that year (and the average seems to hold true up to the present date) was placed for adoption in his or her first year of life.

II. Foster Care. According to statistics from the Wisconsin State Division of Family Services and county social service departments,[8] a minimum of 545 Indian children were in foster care in 1973. This represents one out of every 19 Indian children.

By comparison, approximately 6,800 non-Indian children were in foster care in 1973,[9] or one out of every 269 non-Indian children.

Fact: By rate, Indian children are placed in foster care more than 14 times as often as non-Indian children in the State of Wisconsin.

III. Combined Foster Care and Adoptive Care. Using the above figures, a total of 1,316 under 21-year-old American Indians are in foster care or adoptive care in the State of Wisconsin in any given year. (This represents one out of every 8 Indian children.

A total of 14,424 non-Indian children are in adoptive care or foster care in any given year in the State of Wisconsin.) This represents one out of every 127 non-Indian children.

Fact: By rate, Indian children are removed from their homes and placed in adoptive care or foster care situations 15.8 times more often than non-Indian children in the State of Wisconsin.

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FOOTNOTES

1. "1970 Census of Population Age and Race," U.S. Dept. of Commerce, Bureau of the Census P. 1-309
2. "American Indians, 1970 Census of Population" U.S. Dept. of Commerce, Bureau of the Census, pp. 16-17
3. Subtracting: 1,843,534
   10,456
   1,833,078
4. Wisconsin Dept. of Health & Social Services, Division of Family Services - Material sent by Frank Newgent, Administrator, Div. of Family Services, Feb. 1974 - "State of Wisconsin Adoptions, 1966 - 70"
5. Ibid
6. Ibid
7. Op. Cit., "Am. Indians, 1970 Census of Pop.," p. 16
8. Op. Cit., Division of Family Services, "Indian Children in Foster Care," by State and County, unduplicated, unrepeated figures, March, 1973
9. "Children Served by Public Welfare Agencies and Voluntary Child Welfare Agencies and Institutions, March, 1971," U.S. Dept. of Health, Education, and Welfare, SRS, Program Statistics and Date Systems, National Center for Social Statistics. Table 8- Also, statement from Ian McClean, Dept. HEW, SRS, Program and Statistics Div.: "The figures have not changed substantively in the past 5 years."

[From the Indian Affairs, Newsletter of the Association on American Indian Affairs, Inc., June-August 1968]

AAIA and Devils Lake Sioux Protest Child Welfare Abuses

On July 16th the Association on American Indian Affairs held a news conference at the Overseas Press Club in New York City to call to the public's attention acute welfare abuses victimizing American Indian children and children of the nation's poor people in general.

At the conference, William Byler, Executive Director of the Association on American Indian Affairs, presented a delegation from North Dakota's Devils Lake Sioux Tribe consisting of Tribal Chairman Lewis Goodhouse and five mothers. One of the women has five children in non-Indian foster homes, another was once jailed for refusing to give up her grandchildren to the county welfare board, and a third woman is a foster parent currently being aided by the Association in her efforts to retain custody of an infant presently in her care.

In his opening statement at the conference Byler said, "As sad and as terrible as the conditions are that Indian children must face as they grow up, nothing exceeds the cruelty of being unjustly and unnecessarily removed from their families.

"On the Devils Lake Sioux Reservation approximately twenty-five percent of the children born on the reservation are eventually taken from their parents to live in adoptive homes, foster homes, or institutions.

"This is fifty times the rate for our nation as a whole. Fifty percent of the children placed in foster care in the States of North and South Dakota are Indians, yet Indians represent only three percent of the population of these two states."

The county welfare people, charged Mrs. Alvina Alberts, mother of eight, are breaking up Indian families. Children are often forcibly removed from Indian homes and sent off-reservation to live with white foster families. Indian foster parents are threatened with jail and loss of welfare payments if they refuse to give up their children. "I will starve before I'll give up my grandchildren," said Mrs. Elsie Greywind, a lady in her fifties who already had been taken to jail for her refusal to let the children go.

"I told them they would take that child over my dead body," Mrs. Alex Fournier said quietly, speaking of her three-year-old foster child. Not long before, a zealous welfare worker had tried to drag the boy from her arms—an adoption agency in Fargo had placed an order for an Indian child.

"They want to make white people out of the Indians," Mrs. Alberts continued. "They're starting with the kids because they couldn't do it to us."

Mrs. Lewis Goodhouse, mother of ten, told of people caught in a vicious cycle of poverty and despair. Unemployment on the Fort Totten Reservation exceeds 90% the major part of the year.

The almost fanatical pursuit of Indian children by county welfare officials was attributed to their appraisal of Indian parents as unfit guardians and Indian homes as too poor.

"They use their own standards to judge us," said Mrs. Alberts. "What is the difference if an Indian home is poor but there is plenty of love. If the child is barefoot, a little dirty, so what?" she asked. "He's happy, I think. In white families I've seen the same thing. Those kids are happy too."

Speaking of the Devils Lake Sioux, Byler commented, "Today in this Indian community a welfare worker is looked on as a symbol of fear rather than of hope."

Ironically, provisions in recent amendments to the Social Security Act seem to have worked to encourage what is referred to as "child snatching." Welfare agencies are instructed to make full use of child-placement service as a means of compelling mothers on welfare to take job training—presumably so they will be able to support their families, if they have any left. The federal government now offers to reimburse foster parents for child-placement costs at a rate up to three times as great as that for the natural parents (a maximum of $100 per month, compared with a maximum of $32 per month). Some mothers have suggested that perhaps their children should be returned and foster parents be given job training.

"The Devils Lake Sioux people and American Indian tribes have been unjustly deprived of their lands and their livelihood," Byler said, "and now they are being dispossessed of their children."

"Thousands of Indian children are placed in Bureau of Indian Affairs boarding schools, either because of a lack of day-school facilities or because of the alleged unsuitability of their home environment." Eighty percent of all Navajo children between the ages of six and nine attend boarding schools, away from their parents,

because Congress has not appropriated sufficient funds for the construction of schools and roads.

At the press conference Mr. Byler released the text of letters he had written to Health, Education and Welfare Secretary Wilbur J. Cohen and to Secretary of the Interior Stewart L. Udall.

In his letter to Secretary Cohen, Byler indicated that the Association on American Indian Affairs considers the extraordinarily high rate of placement of Indian children in North and South Dakota to be indicative of abusive child welfare practices by welfare officials, discriminatory standards and laws in child custody matters, and the absence of appropriate preventive and rehabilitative services to Indian communities.

"Indian leaders and parents charge," the letter continues, "that county welfare workers frequently evaluate the suitability of an Indian child's home on the basis of economic or social standards unrelated to the child's physical or emotional well-being and that Indian children are removed from the custody of their parents or Indian foster family for placement in non-Indian homes without sufficient cause and without due process of law."

In closing, the AAIA requested that the Department of Health, Education, and Welfare: 1. Survey child custody problems and official child welfare abuses among the American Indians and among the nation's poor people in general; 2. Develop recommended guidelines for state legislation to guard against discriminatory child welfare practices by establishing culture-free, non-discriminatory criteria in custody matters that do not penalize the poor or the racially different—guidelines that make the physical and emotional well-being of the child the sole test as to the suitability of the child's home; 3. Conduct national and regional conferences and training institutes for state and local court and welfare officials; 4. Evaluate the adequacy of present preventive and rehabilitative services available to the families of the nation's poor in order to minimize those conditions that may make it necessary to remove a child from his home environment; 5. Explore with the Department of Justice and the Office of Economic Opportunity ways to provide legal assistance to parents or guardians who have lost or are threatened with the loss of their children unjustly; and 6. Evaluate the adequacy of existing federal law to protect the rights of parents and children.

Secretary Udall was contacted regarding child welfare problems associated with the placement of Indian children in federal boarding schools.

According to figures provided by the Bureau of Indian Affairs, approximately 30,000 Indian children attend BIA boarding schools. Some of these children are required to attend boarding schools because of the absence of day-school facilities and an adequate road system. Other children attend boarding schools because welfare officials believe that this is a more suitable environment for them than the environment from which they come, for reasons of alleged neglect, abandonment, or abuse by their parents. Additionally, there are other children who attend boarding schools for educational reasons. It is with the first two groups that the AAIA is chiefly concerned.

The Association on American Indian Affairs, in its letter, urged the Department of Interior and the Bureau of Indian Affairs to determine the cost of providing a day-school education to all Indian children presently denied this opportunity because of a lack of federal financing for road-building, school construction, and operation of the schools. "We believe," said Byler, "that Congress should have an opportunity to consider appropriating the necessary funds."

The second recommendation to the Department of Interior was that new guidelines and standards be adopted for use by the Bureau of Indian Affairs welfare personnel to help insure that children are not unnecessarily and unjustly taken from their parents or Indian foster families for placement in non-Indian homes or BIA boarding schools.

The Department of Interior was also urged to direct the BIA to launch a crash program to identify suitable Indian foster homes so that Indian children who do not have an adequate home environment may receive Indian foster care rather than the institutional care presently provided by the BIA.

Following the news conference, the Devils Lake Sioux delegation and AAIA Executive Director Byler journeyed to Washington to seek federal assistance in their struggle to improve child welfare practices on the reservation and to obtain food money from the Bureau of Indian Affairs to replace monies denied to Indian children by the North Dakota authorities when Indian foster parents refuse to surrender custody of the children.

The delegation was only partially successful in obtaining pledges of food money. The Bureau of Indian Affairs agreed to help only those children who are caught in active custody disputes but refused to aid other children that may be denied assistance from the county welfare officials. The AAIA is appealing this decision to Secretary of the Interior Udall.

[EDITOR'S NOTE.—As this goes to press, word has reached us that all Devils Lake Sioux children will receive BIA aid if denied foster care benefits by N.D.'s welfare officials.]

[From the Indian Affairs, Newsletter of the Association on American Indian Affairs, Inc., September-November 1968]

INDIAN CHILD WELFARE AND THE SCHOOLS

In testimony before the Senate Subcommittee on Indian Education the Association on American Indian Affairs urged that the problems of Indian education be considered in the broader perspective of the realities of reservation life and survival on a day-to-day basis.

The hearings, chaired by Senator Walter Mondale (D-Minn.), were held in Washington, D.C. in early October. Testifying on behalf of the AAIA was Mr. William Byler. Executive Director, and Dr. Daniel J. O'Connell, Executive Secretary of the AAIA's National Committee on Indian Health.

In his opening statement, Mr. Byler urged that the tasks begun with the subcommittee under its chairman, the late Senator Robert F. Kennedy, be continued in the next Congress and that the mandate of the subcommittee be renewed.

Mr. Byler suggested that the work of the subcommittee result, not in just a report, but in legislation that will enable Indian people to realize the goal they seek to achieve—an exemplary school system.

"The American Indian reservations are communities in crisis, and there is evidence to suggest that our present educational program contributes to the disintegration of the community and of the family and to the social maladjustment of many of the children. Conversely, the environment in which the children live often places severe handicaps on their ability to learn in school.

"We hope that the subcommittee will not neglect to examine the problems of Indian education in the broader perspective of child welfare," Byler concluded.

Dr. O'Connell, in his testimony, recalled that in December of 1967 when the subcommittee launched its investigations into the problems of Indian education, the Association on American Indian Affairs emphasized the psychological hazards which may result from early separation of a child from the family setting. In urging that a major effort be made in the direction of phasing out boarding school placement for Indian children in the primary years, the AAIA suggested that one objective of the subcommittee be to explore means of providing local schooling for the very young.

"We would like now," O'Connell said, "to place emphasis on certain general considerations of Indian education and certain aspects of contemporary Indian life which relate to the problem of Indian education.

"Here," he continued, "we would place emphasis on the need to view environment in its total reality. Indian education has failed to bear fruit because it has not offered an experience which could be integrated within the expectable life pattern of most Indians; because the school system itself (like other administrative interventions into the lives of Indian people) adds to the psychological and social disruption which the Indian child endures; because the conditions of economic deprivation and psychosocial disintegration prevalent in many Indian communities place these communities beyond the grasp of a standard modern American educational enterprise, based as it is on certain values, assumptions, expectations and motivations which are part of the input of family, pupil, teacher, administrator and of the entire community in a middle-class American school system.

"Without now attempting to review once again the entire range of problems in Indian education and the sorry toll taken among the Indian people themselves by the monumental environmental problems which they face, we would prefer to highlight a few general aspects of Indian administration bearing on the soundness of Indian societal life and the task of Indian education. . . . We would suggest that in our administrative attempts to alleviate problems, we have, in no small measure, intensified these problems. First of all, the schools themselves must be included in any cataloging of the potentially damaging experiences faced by

Indian children. This is not because of malevolence or malfeasance on the part of school administrators or teachers, but stems rather from the often unrecognized conflict between the larger contemporary American culture of which the school is the apostle and interpreter and the native culture which has been the definitive developmental influence upon the child in his pre-school years." O'Connell noted that one of the investigators who has identified this problem, Dr. Harry Saslow, states, "The culture shock of having to renounce, with the beginning of school, much of what has been learned before school undoes the pattern of trust and personal worth developed up to that time." Another authority in the field, Dr. Bernard Spilka, has concluded that the school system contributes toward the feelings of alienation by virtue of the abruptness of change in culture that it presents and by its concentration upon the defense of that culture.

"Whatever the scope of the problem of cultural shock inherent in the situation of an Indian youngster entering school," O'Connell observed, "the damage will be magnified a hundred-fold when he is removed totally from the home and community and placed in a boarding school or a non-Indian foster home.

"Furthermore," he continued, "when a child is removed from his home for social reasons, and many boarding school placements are made for social reasons, the problems within the family may well be intensified by the administrative solution affected." Dr. O'Connell used as an example a situation in which one or both parents might have a drinking problem, the children are removed to protect them from possible neglect, or even abuse, and placed in a boarding school or in a foster home. "We have taken a family on the verge of disintegration and pushed it over the brink," O'Connell said. "The removal of the children only aggravates the emotional problems of which the excess drinking was symptomatic, and we may have set in motion a downward spiral from which this family may not recover."

Referring to earlier testimony to the effect that about 9,000 Indian children nine years old or younger are in federal boarding schools, and to illustrate the extent of administrative disruption of Indian family life through foster care and adoptive placement "however well meaning," Dr. O'Connell noted that in the states of North and South Dakota approximately seventeen times as many Indian children as white children are in foster home placement. In Montana, Indian children are placed in foster homes at ten times the national foster home placement rate. Minnesota places children in foster homes at a rate that is twenty-four times the national rate, and one out of every sixty-seven Indian children is adopted in Minnesota as compared with one out of every 1,111 children for the country as a whole, In general, foster home placements of Indian children are not with Indian families, but are with non-Indian families, most frequently off the reservations.

Both foster care placement and boarding school placement loom large in any consideration of the experience of the Indian community today, O'Connell said. "We would suggest that Indian education needs to be considered in the larger context of Indian child welfare in general. It is the total environment of the child that the educator must address himself to if he is to understand the children."

The Association on American Indian Affairs called for a basic shift in perspective in viewing the problem of Indian education, Indian welfare, and Indian life in general. Rather than the administrative model which seeks to resolve a family crisis through removal of the most vulnerable members, a medical-epidemiological model was suggested in which the object of any therapeutic-rehabilitative intervention would be to assist a particular family or community toward reintegration.

The AAIA went on record as being in support of the Department of Health, Education and Welfare in its contemplated investigation of the problems in Indian child welfare and expressed the hope that any such investigation would attempt to delineate the problem in relation to the quite distinct environments of the different tribes and localities, that approaches to providing remedies be based on the model of providing rehabilitative services to families and communities in crisis rather than extending the baleful practice of the wholesale separating of Indian children from their home or community environment.

In concluding, Dr. O'Connell quoted from a report commissioned by the Department of the Interior itself which states, in part:

"The first and foremost need in Indian education is a change in point of view. Whatever may have been the official governmental attitude, education for the Indian in the past has proceeded largely on the theory that it is necessary to remove the Indian child as far as possible from his home environment; whereas the modern point of view in education and social work lays stress on upbringing

in the natural setting of home and family life. The Indian educational enterprise is peculiarly in need of the kind of approach that recognizes this principle; that is less concerned with a conventional school system and more with the understanding of human beings.

"The methods must be adapted to individual abilities, interests, and needs. Indian tribes and individual Indians within the tribes vary so greatly that a standard content and method of education no matter how carefully they might be prepared, would be worse than futile."

"As may well have been recognized," O'Connell said, "the source from which I am quoting is the Merriam Report, entitled *The Problem of Indian Administration* submitted to the Secretary of the Interior in 1928, a document which has lost little of its timeliness in spite of diligent attempts over the past forty years to administer away the problems which it so lucidly identifies."

[From the Indian Family Defense]

TRIBES ACT TO HALT ABUSES

One step in preventing the removal of children from their reservations is a resolution which sets forth the will of the tribe. Reprinted here are three such resolutions which were adopted by tribes confronting a child-welfare crisis; and a general resolution passed by the Coalition of Indian Controlled School Boards.

SISSETON-WAHPETON SIOUX

Whereas, The Sisseton-Wahpeton Sioux Tribe is interested in the well-being of all the enrolled members of the tribe and

Whereas, Minor children of Sisseton-Wahpeton descent have been placed in non-Indian foster and adoptive homes all over the United States.

Whereas, The tribal council is in the process of researching the sovereign status of the tribal entity in respect to its jurisdiction as stated in the constitution of the Sisseton-Wahpeton Sioux Tribe, and,

Whereas, It is the intent of the Sisseton-Wahpeton Sioux Tribe to establish its own method of social and economic development and well-being of the enrolled members, and,

Whereas, It is the strong feeling of the tribal council to "make every stand possible to keep these children on the reservation" (minutes of June 6th council meeting) and "the tribal council would like these children to be placed in an Indian licensed home until an Indian home can be found for them to be adopted;" Therefore, be it

Resolved, That Mr. Bert Hirsch, legal counsel from the Association on American Indian Affairs, will stand on these grounds in his argument in Roberts County Court on July 7, 1972 and future cases of this nature.

Adopted July 6, 1972.

(This resolution was passed in reference to the Cheryl DeCoteau case—and after many other children had already been removed from the reservation.)

CICSB

At its meeting in December 1973, the Coalition of Indian-Controlled School Boards, Inc., representing 120 school boards, adopted a strong resolution condemning the wholesale removal of Indian children from their families. The CICSB, Inc. deplored the conditions whereby Indian children are not only physically deprived of their culture, but even their attitudes and ideas are turned against their traditional tribal customs and lives. It further resolved to support by any means within its resources any efforts to counter the removal of Indian children from their families, relatives, and tribes.

THREE AFFILIATED TRIBES

Whereas, Many of our Indian children are being placed in foster homes off the Reservation and in non-Indian homes, and,

Whereas, It is the Tribe's opinion that our children in need of foster home placement will adjust to placement in an Indian home more readily, and, now therefore be it

Resolved by the Tribal Business Council of the Three Affiliated Tribes that all agencies involved with the placement of Indian children in foster homes place such children with Indian families wherever and whenever possible.

Adopted September 9, 1971.

OGLALA SIOUX

Whereas, Many of our Oglala Sioux Indian children have been placed in foster-home care with non-Indians; and

Whereas, This placement of our Indian children has resulted in many cases in adoption of our Indian children to non-Indian people, thus causing our Indian children to lose their identity as Oglala Sioux; and

Whereas, We have many Oglala Sioux parents who are capable and qualified to properly care for our Indian children, making it possible for our Indian children to associate themselves with their own race and learn their own culture; and

Whereas, If our Indian children are placed with members of our own race, not only will our children benefit by this association but it would also be an incentive for the Indian families to assume responsibility and develop themselves to a point where perhaps in time they can become self-sufficient; and

Whereas, The State Welfare Department and the BIA Welfare Department have both stated, that they would continue to place our Indian children in non-Indian homes for foster care purposes, unless they received a direction from the Oglala Sioux Tribal Council; now therefore be it

Resolved by the Oglala Sioux Tribal Council in Regular Session on this 17th day of August ,1972; that, the Tribal Council feels that in order to protect the rights of the children and to encourage the concern of the adult members of the Tribe, that henceforth the placement of Indian children with non-Indians by the State and BIA Welfare Departments cease. Be it further

Resolved. That the Crazy Horse Planning Commission take immediate steps to develop a Foster Child Care Program and to further initiate a study for family development.

Mr. HIRSCH. I also request that we be able to submit further documents at a later date.

Senator ABOUREZK. The record will stay open for 2 weeks, so you can submit additional statistical information.

Mr. HIRSCH. Statistical, and I also have, what might be of interest to the committee, some legal documents, for example, the Petition for Neglect in Margaret Townsend's case, which I think is particularly revealing; and I have other legal papers of that nature.

Senator ABOUREZK. Fine. They will be accepted for the file and the decision as to whether they will be put into the record or not will be up to the committee itself and the staff.

Thank you very much.

The next witness is Dr. James Shore of Portland, Oreg.

Dr. Shore, we would like to welcome you to the Senate committee. We would like to thank you for coming out from Oregon to present your testimony.

Did you plan on reading your entire statement?

Dr. SHORE. No. I did not, I will abbreviate it.

Senator ABOUREZK. Fine, we appreciate that.

STATEMENT OF DR. JAMES H. SHORE, PSYCHIATRY TRAINING PROGRAM, PORTLAND, OREG.; ACCOMPANIED BY WILLIAM W. NICHOLLS, DIRECTOR, TRIBAL HEALTH PROGRAM, CONFEDERATED TRIBES, WARM SPRINGS RESERVATIONS

Dr. SHORE. Senators, at the present time, I am director of the community psychiatry training program for psychiatric residents in the State of Oregon and associate professor at the University of

Oregon Medical School. Formerly I was chief of mental health programs for the Indian Health Service in the Pacific northwest area, including the States of Washington, Oregon, and Idaho from 1969 through 1973.

I'm also a member of the Indian Affairs task force of American Psychiatric Association.

I should add at the beginning, the statement that I will present here will also be discussed at the annual meeting of the American Psychiatric Association meeting in Detroit at the end of this year.

I would like to recognize Mr. William Nicholls, who is the director of the tribal health program of the Confederated Tribes of the Warm Springs Reservation, in Oregon, who with his tribal health program staff has helped me to prepare this statement.

Senator ABOUREZK. Is he here now?

Dr. SHORE. He is not here now.

There was an old Indian custom among plateau tribes of the Pacific northwest that exemplified community responsibility for child care. The tradition concerned an individual called the Whipper Man who was outside of the immediate family. The Whipper Man was a highly respected person. Respect was shown by the elders and the young. However, this respect had to be earned. He was chosen by tribal leaders and relatives, based on the development of character beyond reproach. The Whipper Man functioned in the role of disciplinarian. He disciplined youngsters if they were disrespectful to elders. This discipline was administered in a very positive sense, and was understood by young and old. The whip he used hung over the door or on the wall, and was the omnipresent symbol reminding the children that the Whipper Man might be coming.

The plateau culture of central Oregon has demonstrated the impact of the communities sponsorship on the effectiveness of Indian child care.

After 2 years of intensive planning, a children's group home was opened. The development of this service has taken place under the sponsorship of the tribal council with mental health consultation from the Indian Health Service and support from other agencies. A child neglect committee of community participants had been functioning for several years with official tribal council endorsement and had established the precedent for community initiative in making decisions for the placement of Indian children. At the time the group home opened, there were 219 Indian children under age 18 who were not living with their natural parents. These children were part of the total youth population of approximately 800 under 18 years of age. The children in placement represented 28 percent of the total youth population. Of this number 74, 34 percent, were in foster care placement with the State children's services agency, 47, 21 percent, were in boarding schools, and the remainder in tribal foster homes or other off-reservation homes. Local homes were not licensed and received few if any services. Children were removed from their family homes because of complaints of neglect or abandonment. In 1971 and 1972, the number of new Indian children placed in foster homes were 40 and 30 respectively. In 95 percent of cases, this was directly related to alcohol misuse of their parents. Child abuse or battered child syndrome was virtually unknown and in my experience, very rare among American Indians.

The tribal child care services were developed to include intensive outreach family counseling in addition to the group home for Indian youth. The group home was designed to provide short-term shelter care, long-term placement, counseling and minor medical treatment for Indian children ranging from 1 to 18 years. Staff for the group home and the outreach family counseling program were 90 percent Indian, most of whom came from the local community. In the first 12 months of operation, 246 Indian children from 135 separate families were placed in the facility. This represented 20 percent of all reservation families. The children ranged in age from 2½ weeks to 19 years. Problems related to excessive drinking by the parents accounted for greater than 90 percent of the placements. Child behavior difficulties such as juvenile delinquency and runaway reactions, or significant medical problems accounted for the remainder of the placements. During the first 7 months of operation, four children were placed in the center for care of a major medical problem. One child was placed for a cleft palate and three for failure to thrive. All of these children improved and were subsequently returned to their families.

In the 5 preceding years, a large number of Indian children under 18 had been detained in the tribal jail for acts of delinquency. These children numbered 77 in 1967, 98 in 1968, 121 in 1969, 118 in 1970, and 120 in 1971. In one case the length of detention was 32 days. At least 25 percent of juvenile arrests have been for a drinking violation. For many others, delinquent behavior was associated with drinking problems of one or both parents. Although referrals to jail have continued since the opening of the tribal child care center, the average length of stay has been reduced to 1 day and many children are referred immediately from jail to the center, while others bypass the jail entirely. On only one occasion has it been necessary for the center's staff to refer an adolescent back to jail. This was because of an uncontrollable runaway.

Through clinical experience on this and other Indian reservations, I have encountered a sense of hopelessness and despair in working with Indian parents about problems of alcohol misuse and child neglect. Once placement of the children has been initiated, Indian parents often withdraw, become depressed and begin or resume intensive drinking. This process is often interpreted by the non-Indian outsider as a further lack of concern for Indian children, as additional evidence of instability.

The development of a community resource, where children can be adequately cared for in close proximity to their parents, is an essential step in program development. This must be combined with an outreach program by Indian counselors to keep parents involved. The decision to place Indian children is now made by the Indian community with due process through the tribal courts. If placement is necessary, the impact is minimized by a clearly stated policy of returning children to their own families within a short period of time. Although some children may need off-reservation placements in individualized treatment plans, the initial success of the program is highlighted by a dramatic reduction of off-reservation referrals. Since the opening of the children's group home in January 1973, only one Indian child has been placed off reservation in a non-Indian foster home. Many additional Indian families have received outreach services before placement was indicated. Most children referred to

the group home have been returned to their parents who are receiving outpatient followup, while some children have been placed in reservation-sponsored foster homes.

Greater mental health efforts must begin with the preschool or elementary age child. Family stability is the essential aim concerning the construction of a chain of preventive adjustments.

The children's group home and the family outreach program under tribal sponsorship are essential links to begin this process within the cultural values and the political sanctions of the Indian community.

I have reported on the successful efforts by one Indian tribe to deal with the issue of the loss of their Indian youth. While one community has been successful, most other tribes in the Pacific Northwest that I have worked with, and tribes throughout the country, have not been able to reverse the process that destroys Indian families.

I would like to list three areas for possible consideration to reverse this process. A change in the chronic and legal entanglements that Indian families often encounter and a return of this due process to the tribal court. Sufficient concern for funding for Indian child care programs with contracts to sponsorship by the tribal councils, and an increased emphasis over the resources available through Federal and State agencies, with clearly stated guidelines that those resources must be for the care of Indian children. Thank you.

Senator ABOUREZK. Dr. Shore, thank you very much.

I understand that you have developed, or helped to develop, one of the very few ongoing tribally run child welfare programs in the United States and it has been very successful. I think what we've learned from you today and what more we learn from how the program is run, it may represent a very useful model for Congress to develop legislation of this type and for the Federal bureaucracy to use as a model as well.

I notice in your full statement that you talk about the battered child syndrome as being virtually unknown in your experience. However, that particular syndrome has received a considerable amount of attention in media in recent years, you may well know. You, as well as the other experts who have testified here today, have said that in Indian communities throughout the country the syndrome is virtually unknown. How do you account for the difference in the treatment of children between Indians and non-Indians? And, by that, do you know the rate of child beating and child abuse in the non-Indian communities around the country?

Dr. SHORE. I think there are several cultural things that might contribute to that, although I don't think they fully account for it.

One is the relationship between the Indian child and the Indian parent and the particular kind of respect that the Indian parent has for his child. It is seen much earlier as someone capable of independence, making his own decision, and assuming responsibility.

Someone who, at a very early age, is capable and deserves the kind of respect that in the non-Indian culture we often reserve only for our peers in adult years.

In most cases, the traditional Indian sanction is against physical abuse of children. This works against Indian people through the perception of non-Indian outsiders, they think that they don't use strict forms of physical discipline at different levels, far short of child abuse, and are more nonaggressive in raising youngsters.

I think it is one of the concepts, one of the misconceptions of non-Indian outsiders and they tend to judge the competency of Indian parents with non-Indian child rearing practices.

Senator ABOUREZK. You're back again to what we continue to hear, especially today, that welfare agencies that deal with Indian families really don't understand what is happening with the Indian families themselves, and they might judge their behavior by the behavior of white families or non-Indian families.

Dr. SHORE. I certainly think that's one element in the process that we're discussing today; yes.

Senator ABOUREZK. Would you agree that perhaps the Department of Health, Education, and Welfare, which has jurisdiction over distributing money to welfare agencies throughout the State and the county, that perhaps they ought to, as soon as possible, develop criteria and guidelines and use that as money leverage to prevent the welfare from being so insensitive?

Dr. SHORE. I would definitely agree to that, and I would go on to point out in the funding of the one program that we were successfully able to put together in the last 4 years in the Northwest, and there are many other tribes that have worked on similar projects and could not get the funding together to do it, that HEW through child welfare funds is not participating. The State is not contributing through HEW Federal funds in support of these programs.

Senator ABOUREZK. I wonder if I might just ask out of curiosity, is there anybody here from the Department of Health, Education, and Welfare in the audience?

That's unfortunate.

Dr. Shore, I want to express my gratitude for the excellent testimony presented today. It fits in very well with the other experts who have testified today. The committee is very grateful, and I personally am. I sincerely hope that we can correct this situation just as soon as possible.

Dr. SHORE. Thank you.

I may add one thing in closing. I've chosen this particular statement, in this statement, not to get involved in the Indian child and adolescent in boarding schools, but in many ways the situations described in terms of need for the reservation foster home and any youngster being referred to a boarding school, there is additional material, as other witnesses have, on that due process, and I will be happy to submit those to the committee.

Senator ABOUREZK. We would very much like to have that. The record will be open for 2 weeks, so you can send it in. Thank you.

[The prepared statement of Dr. Shore and Mr. Nicholls follows:]

James H. Shore, M.D.[1]

and

William W. Nicholls, M.S.W.[2]

1. Director, Community Psychiatry Training Program and Associate Professor of Psychiatry, Department of Psychiatry, University of Oregon Medical School, Portland, Oregon.
   Dr. Shore was formerly Chief, Mental Health Office, Portland Area Indian Health Service.
2. Director, Health, Welfare and Social Services, Confederated Tribes of The Warm Springs Reservation, Warm Springs, Oregon.

Indian Youth and Tribal Group Homes, A Whipper Man

There was an old Indian custom among the Plateau tribes of the Pacific Northwest that exemplified community responsibility for child care. The tradition concerned an individual called the Whipper Man who was outside of the immediate family. The Whipper Man was a highly respected person. Respect was shown him by the elders and the young. However, this respect had to be earned. He was chosen by tribal leaders and relatives, based on the development of character beyond reproach. The Whipper Man functioned in the role of disciplinarian. He disciplined youngsters if they were disrespectful to elders. This discipline was administered in a very positive sense, and was understood by young and old. The whip he used hung over the door or on the wall, and was the omnipresent symbol reminding the children that "the Whip Man might be coming."

In July, 1973, an Indian interpreter was asked to explain the development of the tribal childcare program to a general council meeting of a plateau tribe from central Oregon. The interpreter explained that the new childcare program was like going back to the old way, when there was a Whipper Man not connected with the immediate family, who came and discussed and disciplined the children. The childcare center was seen as taking up the Whipper Man's role in the village as a non-family participant in child rearing practices with community sanction. The general council, an open community meeting, voted overwhelmingly to approve the budget request for the childcare program.

In this example, a new mental health program, developed within and

supported by the Indian community, was seen as being compatible with ancient Indian tradition and part of a culture in which extended family contacts and community responsibilities for childrearing were as important as the immediate responsibilities of the nuclear family.

Tribal Priorities for Child Care

Beginning in 1969, consultants with the new Mental Health Program of the Portland Area Indian Health Service visited tribal councils in the Pacific Northwest (Washington, Oregon and Idaho), seeking their viewpoint on mental health priorities by each governing body. The statement by tribal councils was clear and enlightening in reference to their concern for Indian youth. It might be paraphrased as follows: "Our most valuable possession is our children. Many are being lost through the process of foster home placement outside of their own Indian community. The children leave home; the family breaks down; and it is impossible to reverse the process or repair the damage." Without exception, concern about the process of foster home placement was a high priority of Northwest tribal leaders for their new mental health program. Indian leaders stressed the fact that significant efforts in prevention must begin with their young people and requested assistance in changing the process that contributed to family breakdown, the loss of youth, and the loss of Indian identity by those raised in non-Indian communities.

Foster Home Placement of Indian Children

In a report of the Association on American Indian Affairs, Byler had commented extensively on the legal process which he entitles "the destruction of Indian families." "A survey of states with large Indian populations by the

Association on American Indian Affairs, indicates that 25-35% of all Indian children are removed from their families and placed in foster homes, adoptive homes, or institutions - and over recent years the problem has been getting worse." "Recognizing that in some instances it is necessary to remove children from their homes, [tribal leaders] argue that there are Indian families within the community that could provide excellent care." (1, p 1 & 2) In several Pacific Northwest Indian communities, 15-25% of the population under 18 years of age are not living with their natural parents. On some reservations one child out of 10 has been placed off reservation in a non-Indian foster home.

Tribal Involvement and Behavior Change

On one Northwest reservation from the Plateau culture group of central Washington, the involvement by tribal government demonstrated the potential for behavioral change in a situation of child neglect. On this particular reservation, the tribal council and the state children's service division had been concerned over the issue of child neglect and abandonment during the annual rodeo round-up and Indian festival. In past years the number of Indian children who required temporary foster home placement during that event had varied between ten and 20. Because of the subsequent breakdown in the Indian family, it was necessary that several of those children be assigned to permanent placement in a non-Indian foster home. With this background, the local mental health staff met with the tribal council, social service personnel of the Bureau of Indian Affairs and the state agency. An emergency childcare center was planned for the round-up. The center was staffed by the inter-agency group and community volunteers. All Indian families were

informed by the tribal council that this service was available, but the community expectation was that parents would first assume responsibility for their own families. This service was to be used only in situations of extreme need. The events that followed were dramatic. For the first time in many years, no children were placed by the state agency. Of greater importance was the fact that there were no admissions to the emergency child care center. Because of the clear statement of community expectations and a strong endorsement by the tribal council, parental behavior was dramatically altered.

A Tribal Youth Home

A second tribal group from the plateau culture of central Oregon has demonstrated the impact of community sponsorship on the effectiveness of an Indian childcare program. After two years of intensive planning, the tribe opened a children's group home. The development of this service had taken place under the sponsorship of the tribal council with mental health consultation from the Indian Health Service and support from other agencies. A child neglect committee of community participants had been functioning for several years with official tribal council endorsement and had established the precedent for community initiative in making decisions for the placement of Indian children. At the time the group home opened, there were 219 Indian children under the age of 18 who were not living with their natural parents. These children were part of the total youth population of approximately 800 under 18 years of age. The children in placement represented 28% of the total youth population. Of this number,

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74 (34%) were in foster care placement with the state children's services agency, 47 (21%) were in boarding schools, and the remainder in tribal foster homes or other off-reservation homes. Local homes were not licensed and received few if any services. Children were removed from their family homes because of complaints of neglect or abandonment. In 1971 and 1972 the number of new Indian children placed in foster homes was 40 and 30 respectively. In 95% of cases, this was directly related to alcohol misuse of their parents. Child abuse or battered child syndrome was virtually unknown.

The tribal child care services were developed to include intensive outreach family counseling in addition to the group home for Indian youth. The group home was designed to provide short-term shelter care, long-term placement, counseling and minor medical treatment for Indian children ranging from one to 18 years. Staff for the group home and the outreach family counseling program were 90% Indian, most of whom came from the local community. In the first twelve months of operation, 246 Indian children from 135 separate families were placed in the facility. This represented 20% of all reservation families. The children ranged in age from two and one-half weeks to 19 years. Problems related to excessive drinking by the parents accounted for greater than 90% of the placements. Child behavior difficulties such as juvenile delinquency and runaway reactions, or significant medical problems accounted for the remainder of the placements. During the first seven months of operation, four children were placed in the center for care of a major medical problem. One child was placed for a cleft palate and

three for "failure to thrive." All of these children improved and were subsequently returned to their families.

In the five preceding years, a large number of Indian children under 18 had been detained in the tribal jail for acts of delinquency. These children numbered 77 in 1967, 98 in 1968, 121 in 1969, 118 in 1970 and 120 in 1971. In one case the length of detention was 32 days. At least 25% of juvenile arrests have been for a drinking violation. For many others, delinquent behavior was associated with drinking problems of one or both parents. Although referrals to jail have continued since the opening of the tribal child care center, the average length of stay has been reduced to one day and many children are referred immediately from the jail to the center, while others bypass the jail entirely. On only one occasion has it been necessary for the center's staff to refer an adolescent back to jail. This was because of an uncontrolable runaway.

Through clinical experience on this and other Indian reservations, the authors have encountered a sense of hopelessness and despair in working with Indian parents about problems of alcohol misuse and child neglect. Once placement of the children has been initiated, Indian parents often withdraw, become depressed and begin or resume intensive drinking. This process is often interpreted by the non-Indian outsider as further lack of concern for Indian children and as additional evidence of instability.

The development of a community recource, where children can be adequately cared for in close proximity to their parents, is an essential step

in program development. This must be combined with an outreach program by Indian counselors to keep parents involved. The decision to place Indian children is now made by the Indian community with due process through the tribal courts. If placement is necessary, the impact is minimized by a clearly stated policy of returning children to their own families within a short period of time. Although some children may need off-reservation placements in individualized treatment plans, the initial success of the program is highlighted by a dramatic reduction of off-reservation referrals. Since the opening of the children's group home in January of 1973, only one Indian child has been placed off reservation in a non-Indian foster home. Many additional Indian families have received outreach services before placement was indicated. Most children referred to the group home have been returned to their parents who are receiving out-patient follow-up, while some children have been placed in reservation-sponsored foster homes.

Discussion

The development of child care programs under tribal sponsorship is also beginning in other regions of the country. Plans are currently being made by the Wisseton-Wahpeton Sioux Tribe, the Rosebud Sioux Tribe, and the Oglala Sioux Tribe of South Dakota, and three affiliated tribes of the Fort Belnap Reservation in North Dakota. (1) These tribes are developing comprehensive child-welfare programs and tribal ordinances that will increase community control over the placement of Indian children. At the same time, state agencies are being asked to

adapt state licensing standards to meet the expressed needs of Indian communities in order that more American Indians can qualify as foster parents.

Since referral to an Indian boarding school is another method of responding to the pressure of Indian youth in crisis, it is no surprise that boarding school adjustment is significantly affected by alcohol abuse. Of the 47 students referred to boarding school from the Oregon tribe in 1972, 28 were enrolled because of excessive drinking problems by a parent. There were 12 dropouts in this group. Seven students dropped out or were dismissed because of their own alcohol involvement at school. Swanson et al (2) have described the alcohol abuse pattern in another tribal population of Indian children. They concluded that peer group pressure and a parental history of alcoholism were significant factors among Indian children with severe abuse patterns. Bergman and Goldstein (3) have described the development of a model dorm for Navaho boarding school students. The special dorm program emphasized an increased staff-student ratio and sensitivity to the interpersonal need of the Indian children. Their results clearly indicated that in areas such as intellectual, emotional, and physical development, the children of the model dorm were significantly superior to those of the control dorm.

Saslow and Harrover (4) have discussed identity problems of American Indian youth and concluded that effective educational programs must emphasize the development of adequate psycho-social adjustment. They describe the school dropout phenomenon for Indian youngsters between the fourth and seventh grades, when a decline in academic achievement sets in. Working on the Oglala Sioux

Reservation, Bryde (5) reported on personality differences between Indian and white students, as indicated by the Minnesota Multiphasic Personality Inventory. "Notable among the more meaningful variables [among the Indian students] were, 'feelings of rejection, depression, anxiety, and tendencies to withdrawal, plus social, self, and emotional alienation.'" These feelings which affect school adjustment will not be changed through better education programs unless the cycle which disrupts Indian families is stopped. Preventative mental health efforts must begin with the preschool or elementary age child. Family stability is the essential link in constructing a chain of preventive adjustments. The children's group home and the family outreach program under tribal sponsorship is one approach to begin this process within the cultural values and political sanctions of the Indian community.

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3. Bergman RL, Goldstein GS: The model dorm: changing Indian boarding schools. Presented at the annual meeting of the American Psychiatric Association, Honolulu, Hawaii, May 7-11, 1973

4. Saslow HL, Harrover MJ: Research on psychosocial adjustment of Indian youth. Am J Psych 125:224-231, 1968

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Senator ABOUREZK. We have one more witness for this morning's session, Mr. Mel Sampson, Northwest Affiliated Tribes for Washington State.

This afternoon we will resume testimony at about 2 o'clock, following Mr. Sampson's testimony, at that time we'll hear from Mr. Leon Cook, of Minneapolis; Mary Ann Lawrence, of Pine Ridge, S. Dak.; Drs. Goldstein and Bergman of the Indian Health Service at Gallup, N. Mex.; and Mr. Jere Brennan, the Superintendent of the Bureau of Indian Affairs, Fort Totten, N. Dak.

Mr. Sampson, would you introduce your associate?

Mr. SAMPSON. Yes.

STATEMENT OF MEL SAMPSON, NORTHWEST AFFILIATED TRIBES, WASHINGTON STATE; ACCOMPANIED BY LOUIE CLOUD, VICE CHAIRMAN, YAKIMA TRIBAL COUNCIL

Mr. SAMPSON. I have here with me, Louie Cloud, who is on the Yakima Tribal Council for 10 years and is presently the vice chairman of the Yakima Tribal Council and has had some close association with the effect that Public Law 280 has in reference to Indian children.

I will proceed with my statement.

Mr. Chairman and other members of the Indian Affairs Subcommittee, I am Mel Sampson, a Yakima tribal councilman from the Yakima Indian Nation. Please allow me to thank you for this opportunity to be here on behalf of my tribe and other Northwest Indians to testify on a matter that is of gross concern to me and my fellow tribal members and Indians of the Northwest.

In the past 3 years that I have been a Yakima Tribal Councilman I have been confronted with several instances concerning the foster care and adoption of our Indian children to non-Indian homes. The damaging effect this creates on our Indian children is beyond the scope of evaluation. The Indian child is on the receiving end of a total lack of understanding. They literally suffer when they discover that their physical appearance is not that of their adopted parents. This is extremely damaging to the Indian child. The wonderment and the search for true identity is crucial and probably, at times, never completed. This, as you well know, is definitely wrong. Although the original intent of the adoptive or foster parents may be meritorious, the true factual thrust of the procedure is wrong. It is just as wrong for me to go out into white status quo and pick up a white child, taking him back to my Indian village and telling my Indian brothers, this child is going to be an Indian. There isn't enough sun in the world to brown him, just as there isn't enough bleach in the world to make us white.

I don't believe it's necessary to issue accusations of fault since we're all aware of the cause. But, I do believe that these hearings are an indication that something must be done to correct these wrong doings. Needless to say I could recite or produce case after case of the effect that Public Law 280 and CFR 25, CFR 104.4 has on our Indian children, but I will make specific reference to a case later so the precise feeling will be related.

Strange as it may seem, the pink pill and abortions have created a great demand for children. Indian children are in great demand.

The standards that have been established by adoption agencies have created an additional burden, such as, they are white status quo oriented. In other words, unless your establishment is rated "A" you can forget about adopting children or qualifying as foster parents. As you well know, this automatically leaves the Indian out. In other words, money prevails. The cultural aspect is overshadowed by money and standards. It is our feeling, and history has proven this, that the cultural identity is of major importance to Indians. Public Law 280 is contrary to the best interests of Indians and the concept of self-determination. In our particular situation we have our own police force, jail, court system, and corrective facility and treatment center are under construction. The operation of these systems are funded by the tribe.

In this particular situation, we are primarily concerned about points six, adoption proceedings, and seven, dependent children of Public Law 280. If the sincere intent is for the best overall welfare of the Indian children, we feel that we possess the capabilities of carrying this responsibility out with total sincerity. Perhaps, to relate the true feelings of an Indian who was raised by non-Indian adopted parents would be fitting at this time. For the record, I would like to read a notarized statement by Don James Morrison, an Indian.

At the approximate age of 6 or 7 years, I noticed that my skin was brown and darker than my parents. I started asking questions of my father (referring to adoptive father) and he would tell me I was too young yet to understand. I asked my mother, referring to adoptive mother, and she wanted to know why I was asking. I told her that my skin was a brown, and darker than hers. She told me I was adopted and my natural parents were killed in a car accident.

My second grade teacher was the one that told me I was an Indian, around the age of 7 or 8. My adoptive parents told me when I was between the age of 9 and 10 that I was an Indian, not mentioning a tribe or where I was from.

In recalling my adoptive parents, who were of non-Indian background, some of the following incidents come to my mind of their treatment toward me during the early age, very small to 11 years of age.

I can recall at an early age that I was locked in my bedroom and the door locked, that the sky was blue and turning dark; that an old washing machine was in the closet, which to me was a monster of some kind. I started to really cry and my father came in and I ran to him, wanting to be picked up and he wouldn't, he started to leave and I followed, but he took me back into the room. If it was not for my mother I would probably have been left in there. I can remember at one time he dumped a barrel of around a 50-gallon drum, which contained some rain water and rocks that I had been putting in there, on top of my head because he got mad at me for putting rocks in it. Another time I have remembered and cannot forget is the time I climbed an old crabapple tree and he had me climb down and he beat me with three hoses, regular garden type, tied together. Another incident was when I used some oil that I shouldn't have on a chain and I was told to remove my belt and I guess I did not do this fast enough, so my father went and got a big one which had a buckle on it and he used this on me for a long time. I remember rolling on the ground trying to get away; and when he got through there was blood on my back. Another time he told me to do something and I did not get up right away and he picked me up off the chair and threw me against the wall, the house had a cement foundation, and I hit the cement foundation pushing my shoulder blade out of place a little bit, and it has remained that way since.

When I was told to do something by my father, I had to do it right now and be told only once or he would give it to me. At one time he slapped me across the face leaving a red mark where he had hit me. When I made a mistake he would let me know about it for weeks on end.

When I reached the age of 8 years I was started on doing manual labor by digging ditches, a bank on the place, digging up tree stumps, and cutting brush.

When I was a junior in high school I wanted to go to an Indian boarding school, and my father got real mad, I felt that I would have been better off there. I had a feeling of rejection from the kids at school and from my father.

I recall these incidents as part of those that were not so bad. There are a lot of abuses that I took mentally and physically which I just want to forget ever happened. It is of my opinion that he tried to break me down mentally and physically. He was forever putting me down in front of his friends and anybody that was around at the time. It was not until just before he died that he realized that he had treated me very badly. He had never wanted me from the very beginning.

There was no explanation of Indian language, culture, history, or religion after finding out that I was of Indian descent.

My adoptive mother, was like a real mother should be; she protected and guided me through my years and life. Her protection of me from my adoptive father was what kept me going.

It is of my opinion that it is too tough for an Indian child to live in a non-Indian home. After they find out they are an Indian, there should be an Indian around that they can talk to.

I believe that this is only one case. I'm sure that many other Indians have experienced many throughout Indian country.

I would like to shift my attention to another problem that is confronting us concerning adoptive and foster children.

Annually, adopted and foster children who are tribal members, receive income in the form of a dividend, lease, or settlements payments. Presently the Superintendent of the Bureau of Indian Affairs under 25 CFR 104.4 is responsible for the disbursements of individual Indian moneys, minor's account. This has created considerable concern of the Yakima Tribal Council. It has exposed several problem areas. It is the concensus of the Yakima Tribal Council that we are responsible for the minor enrolled members IIM accounts, who are adopted or under foster care. Initially, when adoptive parents adopt an Indian child, they stipulate that they are well able and anxious to care for, maintain, and educate the said minor and to treat her or him in all respects as if they were their lawful child. We maintain that the money should be kept in their account until they are the age of majority or until released by the tribe. The child should have the choice of determining what they want to do with their money when they reach the age of majority.

When adoptive parents become aware that the Indian child has money deposited in their IIM account, they start seeking a method to get it. As an example, let me share an incident with you relating to one of our tribal members who was adopted by non-Indian parents. She was adopted as an infant. Her father was white and her mother a tribal member. Through inheritance, from her grandmother on her mother's side, she receives a notable amount in lease income besides the regular tribal dividend and what settlement payments that have been disbursed. Her adopted parents took out a guardianship of her estate. The Bureau releases her money to the parents, or the estate, from which she paid $60 a month for her maintenance, plus school, medical, and lawyer fees were also taken from her estate. This is really a sickening and saddening affair. These types of mistakes would not happen if the tribal council had total control of their minor adopted children's accounts, as it should be.

In closing my statement, I would like to read a statement prepared by Roger Jim, Sr., a Yakima tribal councilman and the president of the Northwest Affiliated Tribes.

Senator ABOUREZK. Mr. Sampson, we're running out of time, could we just submit that for the record and we'll be happy to accept it. There is a reason. I have to go get a bite of lunch before I have another hearing at which I have to testify at 1 p.m. and then I come back here at 2 p.m., so I would appreciate it very much.

[The statement of Mr. Jim follows:]

STATEMENT OF ROGER R. JIM, SR., YAKIMA TRIBAL COUNCILMAN, PRESIDENT, AFFILIATED TRIBES OF NORTHWEST INDIANS

Gentlemen, It is with great regret that I have to write down the feelings I have over child welfare and not be able to tell it to you first hand.

The first encounter with a bad situation was in 1969 when a report came to me about an Indian child being displaced beyond the jurisdiction of the Yakima Tribe. The child was adopted and taken across the United States to Maine.

Another was taken to North Carolina and all the adopted parents had gone through court procedure to acquire the children. The problem arose because of the procedure used to displace Indian children from their homeland, culture, relatives and denied their family from acquiring them. The procedure was most generally supported by the BIA.

Although the law required the depredators to search out the nearest relatives before the children was adopted to non-Indians.

This was not done and in effect caused the displacement of children, denied close relatives and opportunity to claim and take care of their own.

The children were of Yakima descent and was entitled to all the Tribal dividends provided yearly—$300.00 in two payments and some children born before August 1957, a lump sum payment of $3,150.00 and only a few are still waiting for their 21st birthday.

The Yakima Nation concerned over the endless stream of requests for children monies from adoptive and foster parents decided to stop this depredation of minor funds. There was a meeting held with BIA, Social Services at the Yakima Indian Agency and the rules of BIA seemed to perpetuate this bad situation.

In the past the tribe had passed a resolution allowing a per capita payment of $150.00 to each enrolled member, and within this resolution an attempt to save the monies of children was done where the minors monies of broken families, adopted and foster children was put in the BIA Individual Indian Monies Account.

The above categories was decided upon by the superintendent of the agency or his designee to disperse at his or her discretion to the foster or adoptive parents or guardians under CFR 104.4—which allows and authorizes the superintendent too much power over the childrens monies. Causing many times the child to pay his guardians for foster care or adoption.

The Tribal Council HEW Committee felt that this was wrong because of the assumption of jurisdiction under P.L. 280 and adoption and foster care of juveniles is one of the eight points assumed by the State. The cost was also assumed and minor children do not have to pay their own way while growing in a foster home or in an adoptive home. The adoptive parents had to swear before court that they were able to take care of the children financially. Not the children having to pay their way through with their dividend payments.

The Indian children were sought after by non-Indians for their dividends and many times used for that reason only.

The Tribe passed a resolution to require that all monies of adoptive and foster children be put in their IIM accounts and be available only when the child becomes of age, 18 years; although, at age 14, the BIA recognizes them to be able to draw from their own accounts.

This move created quite a stir in BIA offices, clear up to Washington, D.C.

There is correspondences and memorandums to this effect in Mr. Melvin Sampson's presentation.

It is felt in Indian country and the Yakima Nation that the BIA has assisted in this practice of displacing Indian children from their culture and their homeland and relatives. This must stop and the authority under CFR 104.4 should be that the superintendent of an Indian agency respect the wishes of an Indian Tribal Council Resolution, which is only in protection of their Indian children.

The Congress must recognize that a tribe acting for the benefit of their future people must be honored and supported. And efforts made in future laws that will affect the welfare of Indian children be in the best interest as expressed by Tribal

leaders. The special unique status of Indian children are that they are born with a heritage that they can be proud of and must know of it while they are growing and that growing must be in the Indian environment and culture, religion, life style must be evident and within their grasp.

There are many instances that can be related to you from the time of the removal act to this day in 1974, as to how Indian children and Indians have been mistreated because of misinterpretation of laws, denied of rights, P.L. 280 and CFR's.

Mr. Sampson, in his presentation will provide documentation on other cases that I have not covered.

I thank you members of Congress for becoming concerned over the welfare of Indian Children. I realize that children of all races can play together without prejudice and at certain ages, become what parents make them. It is sad to know that the trustee cannot listen to the formal request of an Indian Tribal Council Resolution. The Yakima Tribe urges Congress to assist for better child welfare.

Thank you.

Mr. SAMPSON. I do have some other additional documentation that I would like to submit for the record, and we would be happy to entertain any questions if you have any.

Senator ABOUREZK. I appreciate it, and those will be admitted for the record, those other statements.

I have no questions at this time. You've covered your area very thoroughly in the statement that you've presented. I appreciate it very much.

Mr. SAMPSON. Thank you.

Senator ABOUREZK. I thank you both for appearing.

[The information referred to follows:]

U.S. GOVERNMENT,
April 3, 1974.

MEMORANDUM

To: Roger Jim, Chairman, HEW Committee.
From: Superintendent.
Subject: Information on foster and adoptive children.

In your memo to Mrs. Snider, Agency Social Worker, you requested the names of all Yakima foster and adoptive children and the names and addresses of both foster and adoptive parents.

The identity of both the natural and adoptive parents must remain confidential. Both sets of parents as well as the adoptive child are guaranteed that confidentiality by the courts which seals records of adoptive actions and normally does not make them available except through a court order. Consequently, we do not release such information except to the court or under its direction.

According to what information that was available to Social Services there are 88 children who were adopted.

Twenty-two children have Indian adoptive parents. Sixty-six children have non-Indian adoptive parents.

Eleven families adopted two or more children. The age range of the adopted children are as follows:

Twenty-six children are eighteen or older.

Forty-four children are under eighteen.

Eighteen children—unable to determine exact age.

The majority of the adopted children reside in the Pacific Northwest—Oregon and Washington in particular. The rest are scattered throughout the United States in such states as Mississippi, North Carolina and Nebraska.

There are a total of 81 children in foster care at the present time.

For the current list please refer to the memo from George Brock on the Report on Indian Children in Foster Care, March 27, 1974.

I am enclosing for your information a copy of the Report on Indian Children in Foster Care, which provides a rather detailed statistical analysis of Yakima foster child cases. I hope this provides the information you need.

———— ————,
Superintendent.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 5, 1973.

Mr. ROGER R. JIM, Sr.,
Chairman, Health, Welfare, Employment Committee, Yakima Indian Nation, Toppenish, Wash.

DEAR MR. JIM: Thank you for your May 31 letter concerning Individual Indian Money (IIM) accounts, and the disbursement of minors' funds from those accounts.

We have reviewed your letter very carefully, and have considered at length the concerns expressed therein. We have also reviewed Yakima Tribal Council Resolution T–48–73 together with copies of tribal and Bureau correspondence related to this matter.

Based upon the material referred to above, and also based upon a thorough review of 25 CFR 104.4 to which your letter refers, we find that the Yakima Agency Superintendent is acting properly in his capacity as the designated representative of the Secretary of the Interior with regard to disbursements of IIM minors' funds. Resolution T–48–73, while taken most seriously, is not legally binding upon the Yakima Agency Superintendent, and he must continue to exercise his delegated singular responsibility for disbursement of IIM minors' funds as prescribed by Federal regulations.

Please be assured that we have no desire to affront the Yakima Tribal Council. We share with you your concern about the possibility that minors' IIM funds may not always be used in the minors' best interests. Accordingly, we are suggesting to the Yakima Agency Superintendent that he review existing plans for disbursement of monies from the IIM accounts of minors who are in *foster care* and that he take such steps as may be necessary to insure that these plans and subsequent disbursement of monies are in fact in the best interests of the minors concerned. However, any action taken by him in this regard must necessarily be in accordance with his delegated sole responsibilities as indicated above.

In reviewing Tribal Resolution T–48–73 we note that paragraph 9 has the effect of making a distinction between the disbursement of minors' IIM funds to natural parents and to adoptive parents. As the legal relationship existing between an adopted child and his adoptive parents is the same as that between a child and his natural parents, we cannot suggest to the Yakima Agency Superintendent that a distinction be made between natural parents and adoptive parents in the disbursement of children's funds.

We will continue to exercise great care in discharging our responsibilities with regard to disbursement of minors' IIM funds, and we will value your continued interest and support in this regard.

Sincerely yours,

T.W. TAYLOR,
(For the Assistant to the Secretary of the Interior).

YAKIMA INDIAN AGENCY,
Toppenish, Wash., April 4, 1974.

This has reference to the funds which are held in the IIM Account at the Agency belonging to minors who are in foster care or have been adopted by Non-Indian families.

Some of the following are cases and incidents pertaining to facts which has involved some of our minor Indian children's accounts. I have a great feeling that none of these accounts should be released to the foster parents, who are already receiving assistance from Welfare for them. That the adoptive children were to become their own children, and in order to adopt the children that a thorough investigation is made to see if they can provide a home, family and income such as they already do for their own flesh and blood children. The only income for some is per capita only, however some do fall under inheritance which involves a little more income for the Indian children, all of which should be held in custodial accounts for them until they reach the age of majority, 18 or 21 which ever the case.

In the years of 1956 through 1959 some of these cases came to light before the Tribal Judge on abuse, treatment mentally or physically, and withdrawing of the children's monies from their accounts at the Agency.

There were cases of indecent liberties both upon our Indian boys and girls. One case I can recall upon two Indian boys who were in a Non-Indian foster

home of an elderly couple. They were about the age of 8 and 9 years old. Upon investigation they were removed immediately from the foster parents home. Prior to removal their per capita checks in part were being mailed to the foster parents, even though they were receiving Welfare assistance already on the two boys.

Another case involved a 15 year old Indian girl who was in a Non-Indian foster home. The foster father had taken liberties of this girl and had her scared to the point of not telling anybody for fear of what he would do. This was brought to the Judge's attention when it was discovered that the girl was pregnant. This has left a mark on this girl for life.

There are so many cases where removal from non-Indian foster homes were done quietly without any notification either from the welfare office or foster parents that that child was placed in another foster home. So funds were continuously mailed upon request to the foster parents who first had the children.

During the months of October, 1972 through May 31, 1973 I had the occasion to come into contact with young Indian people returning to the Reservation and coming to the Agency to try and locate some relatives amongst their own people.

One such case involved a 16 year old Indian boy who lived with his foster parents since he was a baby. He came into the Agency to see if he had any funds, or monies here, and try to find some relatives that he could possibly live with. Upon checking his account, the supervisor was informed that his account was closed, that all funds had been released to his foster parents in the amounts of $50.00 to $200.00. This young man was in sports and wanted some extra things he needed. It was a jolt to find that he had no monies in his account.

There was an Indian girl who was adopted by a Missionary family. When this girl became the age of 15, and a few problems of communication arose between child and adoptive parent (which happens among any parents and their natural children in their teens) that they felt they did not want to go through any more problems with the girl. She did not know any of her relatives or who her people were. The adoptive parents asked to be removed through court as her adoptive parents and she be returned to her own people. This young girl is having a very difficult time as to distinguishing herself between the Indian way of life to the White mans world.

We had an instance where a young man of 20, and a young woman of 18 years, who were brother and sister came to the Agency looking for their own people. They were adopted at an early age to a Non-Indian Family in the State of Oregon. The young man left home at the age of 16 and wandered from place to place. He left because his adoptive mother was an alcoholic, which became unbearable upon the death of the adoptive father. His two sisters were removed from the home and placed into foster homes. As soon as the oldest girl became of 18 years old she got married. The youngest was still in a foster home. Upon chance, the two oldest went home to see how their adoptive mother was getting along, nobody was home so they checked the mail and found a statement from IIM, Yakima Agency showing the amount of money they had. Not understanding it, they decided to make a trip over to the Agency and try to find out some information themselves. I happened to work with the young man and young woman, and was advised before hand that they were adopted and in no way was any of this information to be given to them. After interviewing the two, and they were advised that they had some funds in their account that they could get it if they wanted, a report was made to the Agency Social Worker. The HEW committee interviewed the two. Through a search in the records it was found that even though the adoptive mother no longer had the children that she was still drawing funds from their account.

Why are these funds being released to the foster and adoptive parents? Is it because they are Indian children and there is an Indian Agency, and they think all Indians receive per capita and money through the Agency that they take children to get at the money? There should be a follow up on all of our Indian children in foster or adoptive homes once a year, or a report should be sent in by a caseworker as to where the children are. Even every six (6) months wouldn't hurt.

Just what is the Agency Social Workers doing? Are they helping our people and minor children or not?

LILA G. WHALAWITSA,
Probation/Parole Officer.

U.S. GOVERNMENT,
August 2, 1973.

MEMORANDUM

To: Tribal Health & Welfare Committee
Attention: Roger Jim, chairman.
From: Social Services Branch, Yakima Agency.
Subject: Per capita holds for September 1973.

Social Services holds on the September per capita payments are as follows:

Financial supervision (various)	285
Direct to vendor program	129
Adopted	60
Foster care	83
Noncompos mentis	18
Non-Yakima guardian	131
Nursing home	18
Total	724

More specific information will be furnished at your request.

JESSIE SNIDER,
Social Worker.

U.S. GOVERNMENT,
January 31, 1973.

MEMORANDUM

To: Mr. Roger Jim, Melvin Sampson, Harris Teo, and Levi George, Tribal Welfare Committee.
From: Social Services Branch, Yakima Agency.
Subject: Social services holds for March 1973 per capita.

The reason for an number of "Holds" is as follows:

Financial supervision	373
Adoptions	58
Foster care	59
Noncompos mentis	18
Non-Yakima guardian	119
Nursing home care	22
Total	649

We use the term Financial Supervision to cover a broad variety of cases which present personal and technical difficulties in money management. Many in this group are children. This group includes such situations as moving about, unstable custody, mismanagement of funds by parents or custodians, and requests by individuals for personal reasons such as being in the Service. Some are required by Voluntary support agreements. 85 in this category are on the Direct to Vendor Program with the Department of Social & Health Services.

I believe the other categories are well understood. We will be glad to meet with the Health & Welfare Committee if this is desired.

JESSIE SNIDER,
Social Worker.

MEMORANDUM

MARCH 27, 1974.

To: Community Services Division 17–7, Gerald E. Thomas, Acting Director.
From: George Brock, Regional Administrator, Region 2, L 39–5.
Subject: Report on Indian children in foster care.

This is a follow-up to the Regional Administrators' August meeting with Don Milligan at which time we agreed to review all Indian children in foster care. We understood each Regional Administrator was to return to his respective region and have each Local Office identify the number of Indian children in

foster care by name, and name of the foster home in which the child was currently placed. This was accomplished in this region and forwarded to the State Office on October 15, 1973. Subsequent to this was your memorandum of 10–24–73 to all Regional Administrators entitled, "Guidelines for Review of Indian Children in Foster Care by all Regions." After receipt of these guidelines, and in the preparation for the review of children in foster care, a meeting was held on 10–4–73 with the staff from the Toppenish LO, the Yakima LO, and Roger Jim, of the Yakima Tribal Council. As a result of this meeting, those agencies representing Indians were contacted and asked to participate in the review.

After the contacts were made with the Bureau of Indian Affairs, the Indian Health Service and the Yakima Tribal Council, and discussions held with the workers from these agencies who would be part of the review committee, a confirming memorandum dated 12–18–73 was sent to the participants and their agencies, Roger Jim, and several others (see Attachment 1). The Indian Foster Care Review Committee members are as follows:

Gary Mason, Chairman—Social Service Supervisor, Toppenish.
Marge McAtee—Indian Social Worker, BIA.
Bill Clark—Casework Supervisor, Toppenish.
Alice Rondeau—Social Service Supervisor, Yakima.
Delores Moore—Indian Community Worker, DSHS Toppenish.
Maxine Robbins—Indian Social Worker, Indian Health Service.
Walter Schnellman—Casework Supervisor, Yakima LO.

The committee met on several occasions in order to form a plan for the review and to develop a reading schedule which would be appropriate to this region. The committee had several schedules which had been used for studies of a similar nature. They took these schedules, along with the guidelines from Don Milligan's memoranda, and your memorandum of 10–24–73, and, after careful review of these guidelines, the committee put together the reading schedule that was used in this region for the review of children in foster care (see Attachment 2).

Delores Moore, Indian Community Worker from the Toppenish LO, maintained a close liaison with the Yakima Tribal Council. She shared with the Council all copies of the reviews, all materials that were developed for their possible input and comment, and reported the input received from the Tribal Council back to the committee at each of its meetings. This served to keep the Yakima Tribal Council fully informed as to the progress the review was taking as the committee developed its procedures, methods and techniques throughout the entire new process.

During the time that the reading schedule was being worked out, the list of cases to be reviewed was again gone over. The committee agreed they would use cases which were active as of January 31, 1974 for the case review. At that point in time, there were 81 cases found to be active in agency foster care and voluntary agency foster care, that fell within the guidelines set out in your memorandum of 10–24–73. All of the cases that were reviewed were from the Yakima and Toppenish Local Offices. The Ellensburg Local Office had no Indian children in foster care or private agency placement at the time set by the review. There were four cases listed by the Pasco Local Office for review. The committee chairman reviewed those cases and found them to be inappropriate for this phase of the case review of Indian children in foster care because the children were either in adoptive placement or living with relatives. Attached is a list of all the names of the children that were reviewed by the committee (see Attachment 3). Those cases which are crossed off the list were children who did not meet the guidelines for the review but were in relative home placements or did not meet other portions of the guidelines. Copies of almost every piece of correspondence, memoranda and reports concerning the review were shared with the Indian Desk. The Indian Desk, on occasion, shared information that it had received from Indian participants of the review. The concerns were cleared up with both the Indian representatives and the Indian Desk. Considerable cooperation among all the participants on the committee and with the Indian Desk helped make the review much more meaningful.

OVERVIEW

There were some basic concerns on the part of the committee members which have repeatedly emerged during this task process. One was the manner in which the study was defined. This caused the focus to be distorted as far as what represents services to Indian children and their families. For example, some members of the committee point out the emphasis is on children in care; however, large numbers of Indians receive services daily in their own homes; their children are

typically returned home; and, not infrequently, the families ask for and receive the services on their own initiative.

Another concern was the case record as the only source of information for the review. Problems arise due to lack of information in case records relevant to questions raised by the guidelines. Some types of information just are not asked for or provided for on form recording. Similarly, it is felt by some committee members that data collection on a racial basis has been discouraged in recent years which particularly effects the availability of some types of information wanted for the study.

The committee read the materials in the Local Offices that pertain to children in private agencies. Some members expressed concerns that attempts to require adequate information from voluntary agencies has met with frustrations. The committee recommends that those types of children's cases would be better reviewed and recommendations established by a committee which has jurisdiction over licensing those facilities—probably a State Office committee.

FINDINGS

I. Identifying Information

Child's Age at Time of Study:

39 children were 7 or under.

12 children were between 8 and 12.

30 children were 13 or over.

Slightly over half of the children in placement were girls (55.6%). Of the 81 children studied, 35 were enrolled in different tribes. Of significance here is the fact that there was no record of the enrollment of the child in 41 cases. This leads to the question were the resources for 41 children properly explored. In the five cases where the child was not enrolled, what was done to start the process. Of those children enrolled, little less than half were Yakima Indians (16 of 35).

II. There were 50 sets of parents for the 81 children studied.

Fathers:	
Race:	
Indian	20
Other	10
Unknown	4
Not recorded	16
Whereabouts:	
Living	27
Deceased	6
Unknown	17
Mothers:	
Race:	
Indian	38
Other	2
Unknown	4
Not recorded	6
Whereabouts:	
Living	31
Deceased	5
Unknown	14

Most of the parents are living and are of Indian descent.

III. Circumstances leading to the placement of the child in foster care, including source of referral, reason for referral, location of child at time of referral, the Indian resources explored at the time of referral, and service offered to the family at time of referral.

Source of referral:	
Parents and relatives	22
Juvenile court	37
Other	20
Not recorded	2
Reason for referral:	
Physical neglect and/or abuse	36
Abandonment	22
Illness of parents	8
Other	15
Not recorded	0

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Location of child at time of placement:	
Parents	50
Relatives	20
Other	9
Not recorded	2
Indian services involved at time of referral:	
Indian health service	10
BIA	0
Tribal	5
More than one Indian Agency, including IHS, BIA, tribal court, tribal council, Other	23
Not recorded	43
Services offered to parents:	
Services offered	48
Not recorded	33

At the time of referral, all appropriate services were offered to most of the cases, but again there is the problem of those cases which the recording made no indication of services offered.

IV. Foster Home Placement History

Age at time of first placement:	
Under 1	23
1 to 4	38
5 to 10	14
Over 10	5
Not recorded	1
Number of foster homes child placed in:	
Placements:	
1	10
2	27
3	9
4	12
5 to 8	17
9 to 16	0
17	1
Unknown	5
Length of time child has been in current placement:	
Less than 3 months	15
3 to 5 months	10
6 to 12 months	7
1 to 2 years	13
2 to 3 years	10
More than 3 years	24
Not recorded	2
Were steps taken to find either a relative's home or Indian foster home:	
Relative:	
Yes	23
No	16
Not recorded	42
Indian foster home:	
Yes	13
No	22
Not recorded	46
Has child been placed in an Indian foster home during past 3 years:	
Yes	2
No	63
Currently placed	10
Not recorded	2
Other	4

V. *Parental Involvement in Placement and Post-Placement Planning For Child*

Parental involvement was limited in that parents were only involved in the placements of 23 of the 81 children in current placement. Of the 58 cases where

the parents were not involved, the following is a breakdown by reason for the lack of involvement:

Parent out of the area	5
Parental rights terminated	15
Whereabouts of parents unknown	14
Parents were not willing to be involved	10
Other	14

In all 14 cases where the whereabouts of the parents were unknown, an attempt was made to locate the parents and gain their involvement.

Significant parental contact was made in 50% of the cases by the caseworker. The contacts ranged from weekly to a minimum of quarterly contacts.

Significant contact with the child initiated by the parent is at best minimal. Regular contact maintained on a weekly to quarterly schedule was only recorded in 7 cases, with irregular contact in 16 more. No contact is recorded in 23 cases, and contacts were not recorded in 22 more cases.

Changes in legal status:	
Yes	39
No	39
Not recorded	3
Service plan:	
Return home	12
Adoption	26
Long-term foster care	30
Other	10
Not recorded	3

Only 21 cases were staffed with Indian Agencies.

In the opinion of the case reviewers, 78 of the 81 cases were appropriately foster care placements, but in only 44 cases the reviewers felt the relevant sources for a supportive new service plan had been explored.

CONCLUSIONS

This study attempted to get at information that is not a requirement of the current form recording systems used in the Local Offices. As a result, there is a significant amount of information lacking. The summary of the findings indicate the areas for which insufficient information was gained from reading the records. In order to get the unrecorded information, personal contacts would be required with the parents of each child and another questionnaire completed. Without the unrecorded information this review is of limited research value. On the other hand, it did point out several potential problem areas which can and will be corrected at the local or regional level.

Three areas are very apparent in their need for some form of corrective action. One is the need for all workers to become better informed of the potential resources which are available in serving Indian children. Second is the need for coordination between agencies providing services to Indians. Another area is the apparent lack of cultural awareness by the agency's workers. Currently corrective action is being taken in this area through planning with the Yakima Tribal Council for Cultural Awareness Workshop to be held some time in the future. Along with this a regional workshop is planned for April to relate specifically to the service needs and the treatment of resources of the Yakima Indians. With further analysis of the review, other areas may become apparent and action will be taken accordingly as they appear.

RECOMMENDATIONS

(1) The committee recommends a major emphasis should be placed upon *prevention*. It was felt that attempts should be focused upon resolving the problems prior to juvenile court action as often as possible. Herein, the focus is upon the 72-hours after a child has been picked up by police and placed in a Receiving Home.

(2) It is recommended that the resources of DSHS and the Indian Community be used to locate parents and relatives and to outline a plan to overcome the problems that brought the child to the attention of the authorities.

(3) It is recommended that roles be clarified and guidelines be established that will point out:

a. Who can be contacted as a resource;
b. How the contacts should occur;
c. Who and what system of coordination can be used.

(4) It is recommended that a coordinator/liaison would be very helpful between the Indian community and DSHS offices. This procedure and the coordinator could be made commonly known to all local offices. The procedures and Coordinator could enable appropriate referrals to contacts in DSHS and/or Tribal resources. It could be considered here that schools, health agencies and other outside sources may need this information during their planning. For example, contact from Edgecliff Hospital about a child might best be handled by the coordinator who could clarify the fact that the child is already being planned for by Indian Health Services or Bureau of Indian Affairs.

Senator ABOUREZK. The hearings will be resumed at 2 p.m. this afternoon.

[Whereupon, at 12:45 p.m., the subcommittee recessed, to reconvene at 2 p.m.]

AFTERNOON SESSION

Senator ABOUREZK. The hearings are once again in session.

The first set of witnesses for the afternoon session will be Dr. George Goldstein and Dr. Robert Bergman, both of the Indian Health Service in Gallup, N. Mex.

Dr. BERGMAN. I'm Robert Bergman. I'm chief of the mental health program of the Indian Health Service.

Senator ABOUREZK. Where are you located?

Dr. BERGMAN. My office is in Albuquerque and my job is Indian health services, generally.

Senator ABOUREZK. Is your responsibility areawide or is it nationwide?

Dr. BERGMAN. Nationwide.

Dr. GOLDSTEIN. Mr. George Goldstein. I'm the director of program development and evaluation for mental health programs, Indian health services, nationwide.

Senator ABOUREZK. We want to welcome you to the committee and thank you for coming up. Do you have prepared statements?

Dr. BERGMAN. Yes. We have one statement which I will read.

STATEMENT OF DR. ROBERT BERGMAN; ACCOMPANIED BY DR. GEORGE GOLDSTEIN, INDIAN HEALTH SERVICE, GALLUP, N. MEX.

The statement is a generalization based on experience. I have worked as a doctor in the Indian Health Service, as a psychiatrist, for 8 years and in Gallup for 3 years.

Separating Indian children from their parents and tribes has been one of the major aims of governmental Indian services for generations. The assumption is that children and particularly those in any kind of difficulty would be better off being raised by someone other than their own parents. The purpose of the first boarding school on the Navajo Reservation as stated in its charter in the 1890's was "to remove the Navajo child from the influence of his savage parents." Few governmental agencies who are supposed to provide care for Indian children are able to help Indian communities and families solve child welfare problems except by one or another means of placement. This procedure usually solves problems only in the sense of removing them

from the immediate scene while in the long run destroying families and communities. This process is unfortunately far advanced in some places. The human experiment of tampering with Indian children's welfare and education for over 100 years has been for the most part a failure. The number of children who are underachievers in both the Indian and Anglo world, the number of school dropouts, the increasing rate of juvenile drug and alcohol abuse will give testimony to this failure.

Thousands of Indian children are sent each year to boarding schools for a variety of reasons all of which basically have to do with the opinion that children cannot be brought up right at home. Many of the children sent to boarding schools are already in serious difficulties and the rest have the special needs of any children who have been separated from their families. The schools obviously are totally unprepared to meet the needs of either group. Thousands of Indian adolescents are shifted from school to school in a disastrous game of musical chairs as one school after another attaches yet another pejorative label and passes the student along. Today while there has been an effort to gain local support by installing parent advisory counsels, community-school liaisons, and school boards, these have served for a most part as advisory functions with no real authority. They are serving a system whose philosophy and rules were not made with their consultation and which were not established with sensitivity to their needs.

Foster care practices for Indian children has been damaging. Given the least excuse, substantiated or rumored, children are removed from their homes and placed, most often with an Anglo family. In many cases the product of this placement is an imitation Anglo never quite good enough to achieve in the white world and removed far enough so that a meaningful return to the Indian world is impossible. Some years ago, a young woman was treated soon after her arrival at age 16 back on the Navajo Reservation which she had left at the age of 6 months. The adoptive parents who had removed her from the reservation and her family in the first place had given up on her, and had bought her a one-way ticket home. It is not necessary to dwell on the confusion, shame and personal fragmentation suffered by this patient who represents a severe but not an atypical case of the harm done by the promiscuous off-reservation foster placement policies which have been pursued by the BIA and other agencies. In one small Indian community where we have a mental health clinic approximately one-quarter of the children are in foster placement of one kind or another, not including those in boarding schools.

Tragically, it has become accepted not only by the welfare workers but by the parents in general that the best thing to do for any troublesome child is to send him away to a boarding school or a foster home in the first instance of trouble or to reform school, or the State hospital after there are repeated offenses. Once the child's home and family are determined unfit, the placement usually comes under the jurisdiction of the State and any potential foster home must be licensed in accord with State regulations. The home of a family member or relative must conform to these standards. The assumption is that the personal development and growth opportunity take place within the physical space of the home, and these increase the probability of the

child becoming a meaningful adult. While this assumption is true in a sense, the values are well rooted within the Anglo culture. With most Indian families the growth potential is outside the home as well, the desert, the mountains, the forests and the village and community. Love and caring don't seem to be relevant in the determination of foster homes.

In our practice where we see many families whose children were or about to be taken from the home, it is our opinion that they most often would be better if left with the parent or close relative. Therapy or counseling could be provided to these families. For some unexplained reason, current laws in many States provide a relative with less foster care subsistence than a stranger.

It is not entirely too late. Good schools such as the community controlled ones at Rough Rock and Rock Point on the Navajo Reservation can be developed. The children of the Rough Rock community are able to stay home through high school nowadays in spite of that community's isolation.

The model dormitory program at the Toyei school demonstrated that with sufficient energy, staff and money, a boarding school can be run well, so that it is a benefit to the children rather than a menace, and the tribes can develop their own child welfare programs which keep children at home and restore family unity, harmony and cohesion. The problem with these special projects and demonstrations is that they are special and they are isolated and most often they are funded by agencies other than those directly responsible for administering the education and welfare programs for the Indian population.

In a way, these programs are self-destructive while they exist they allow the rest of the system to remain ossified, comfortable in the knowledge that someone, somewhere is doing something. If we're finally going to get out of the business of legislating morals for Indian people we have to assume that native Americans know best what is right for their own children. The Federal as well as State governments must allow tribes, in their own counsel, to develop their own licensing standards for foster care placement as well as their own curriculum and policy for schools. We should provide consultation at their request and within their guidelines.

Senator ABOUREZK. Thank you very much.

You are both standing on that one statement and prepared to answer now?

Dr. BERGMAN. Yes.

Senator ABOURZEK. Could one of you elaborate briefly on the model dorms program that you referred to?

Dr. GOLDSTEIN. The model dormitory program is located at the Toyei school about 20 miles from Ganado, Ariz. It's about right in the middle of the Navajo Reservation. The program was for 3 years and the premise was fairly simple, that was, to increase the number of parents service to the number of children.

Traditionally, in boarding schools the ratio of parents to children is approximately 200 to 1. In our model dorm we end up with about 12 to 1.

There's also fairly extensive training of the dorm aids in child growth and development, child psychology and at the same time there were opportunities at the dorm for children to be with parents,

older people, at the suggestion of some of the teachers and the school board members, who built programs for storytelling on the grounds.

At the same time, we were evaluating control schools, which were similar, in terms of the effect of the model dorm. During the evaluation we found that in all levels of development, intellectual, emotional, as well as even physical, the model dorm children did far better than those in the control school, and on no measure did they do worse.

Unfortunately, the model dorm is no longer running because of problems with funding, however, we believe that the results are conclusive and that these are experiences to children that are of benefit to them.

Dr. BERGMAN. I'd like to add one detail to that, and that is the great bulk of the staff for that dormitory was Navajo, from the community and without special or professional training.

Too often, I think the assumption that in order to do something about situations like this that are common in boarding school, it's necessary to get outsiders with fancy degrees. Our experience doesn't support that.

I think the fact that the people were hired for this were Navajo and Navajo speaking, knew the children and knew their families, are very familiar with what they had gone through before and what they would do in the rest of their life, and it was much more important than if these people were professionals by training.

Senator ABOUREZK. Given a long period of time that the Navajo children have been sent away to boarding schools, I'm curious to know what effect, if any, this had had on parental responsibility?

Dr. BERGMAN. I think it's undermined the Navajo parents' sense of himself as a parent and it's quite common that parents will go, Navajo parents will go to welfare offices and ask that the children be placed in boarding schools if there's any difficulty with them because this is a commonly accepted custom.

Child rearing practices have suffered a great deal as well as the confidence that people feel because they, themselves were raised in bleak institutions and were away from Navajo traditions in which they should have been taking care of younger brothers and sisters, and become part of a chain of family responsibility.

It has been effected by families in boarding schools.

Senator ABOUREZK. I know it used to be the practice in Indian boarding schools to prevent or prohibit children, Indian children, who were attending the schools from speaking their native language, from doing beadwork or anything with their hands, as they had seen their parents do, or to practice in any of the religions, the Indian religions, or other aspects of the culture that they might practice.

Is that still a case in boarding schools?

Dr. BERGMAN. Fortunately, it isn't, generally.

The spirit of that sort of thing may linger on but the letter of the law, at least, has changed and the children in Navajo schools obviously learn Navajo, or are encouraged to engage in some Indian practices.

Senator ABOUREZK. Are you familiar with Dr. John Bride who is now at the University of South Dakota?

Dr. BERGMAN. Yes.

Senator ABOUREZK. I believe that when he did his doctoral thesis, he did a study on why Indian children sort of dropped out, roughly, at the sixth grade level. If I'm not mistaken, his determination was,

at the time, that it was primarily because the method of teaching in boarding schools, or in any other schools for that matter whether it was an Indian teacher or an Anglo teacher, generally white, middle class values were taught as something good and Indian values were taught as something bad alongside the white middle class values. Therefore, ordinarily bright and outgoing children eventually developed conflicts because when he returned home at night, or returned home at any point, he would get an opposite point of view from his parents and his grandparents.

Do you agree, or would you comment on that theory?

Dr. GOLDSTEIN. I believe that Indian dropout rates, specifically from high school levels, even the runaway rates among young children, we're talking about 5- and 6-year-old children, can really be characterized as a survival test, that is in a psychological sense.

Senator ABOUREZK. Would you elaborate on that a little bit?

Dr. GOLDSTEIN. Yes.

In the past a child would go to a boarding school about 5 or 6 years old. His level of language, even in Navajo, would be rough at that time because he wasn't allowed to speak that language when he got to school.

So, in those languages, the child had a very difficult time expressing himself. He wasn't allowed to speak the language he was learning and developed up to 5 years and had to start a brand new language after that time, coming from a home where no English was spoken, or wasn't often and also being punished for things that were praised at home, responsibilities that were praised at home.

Senator ABOUREZK. Such as?

Dr. GOLDSTEIN. Necessary things, such as going outside, just taking a walk, as the child would do in herding sheep, something like that.

Dr. BERGMAN. It's a complete pull to pull contrast between Navajo notions of independence and responsibility and what happens in a boarding school. Navajo notions of what a 6-year-old child is capable of are far greater than is common the majority of Americans.

The boarding schools, if anything, are oppressive. Those in schools assume that children are less competent that what we assume our children to be.

Dr. GOLDSTEIN. The Navajo regard their children, and they treat their children as adults.

Dr. BERGMAN. There is a lot of confusion that comes from this.

I treated a man several years ago, a Navajo man, he was in his forties at that time, who told me about his bad experiences with this school, that his father, who is a well known minister, a Navajo minister, sent him to school telling him that he wanted him to learn in schools and the times were changing and that it would be very well for him to do well in school. Telling him that he should believe what the teacher said, that the teachers were good people and they had his best interest at heart. The first thing that the teacher told him when he got to school was that his father was an agent of the devil. That's an old fashioned example, but I have witnessed ones that are almost the same.

When we were beginning the project, one of the officials of the school launched into a major attack on the Native American Church. In the present group of Navajo health parents and Navajo kids, everyone

was a member of the Native American Church and of course the teacher was unaware of that and that's approximately about the same thing.

Senator ABOUREZK. Has anybody from the BIA education division, ever asked your advice, perhaps on how curricula ought to be established to avoid the sort of things that you are talking about, in boarding schools and other schools that BIA has some control over?

Dr. BERGMAN. Yes.

In the Toyei project, which is a joint project of ours and the BIA, in all fairness.

Senator ABOUREZK. I mean so far as general education around the country?

Dr. BERGMAN. No.

Senator ABOUREZK. Have you ever tried to offer it to them?

Dr. BERGMAN. Yes.

Senator ABOUREZK. I guess in summary, would you generally ascribe to recommendations provided by the other experts who testified today that the tribe should have control over adoption and foster parents and education programs as far as children are concerned?

Dr. BERGMAN. Absolutely.

Dr. GOLDSTEIN. No question.

Senator ABOUREZK. One other question, the staff has just commented upon, are the rights of Indian children protected in the boarding schools they've attended?

Dr. BERGMAN. I don't think so. By and large, the boarding schools are not of a piece, but I think in the usual situation, no.

Dr. GOLDSTEIN. I would agree. I was just trying to think of rights that children have when they get there, and I can't think of any.

Senator ABOUREZK. Of course, as a comment, I think that's a mistake and it's carried on in Anglo schools as well. I know my children have suffered some pretty disastrous learning experiences in the regular schools that they have attended that have made them more than not interested in learning. Even though they start out pretty enthusiastic about it, they soon loose interest in it because of the techniques used in schools both public and private throughout the country.

In the Indian boarding schools, do you know whether or not the children are required to attend Christian church services?

Dr. BERGMAN. Almost always.

Senator ABOUREZK. Even though they might have some other religion?

Dr. BERGMAN. That's right. The question is usually asked if a child, or when the children come to school, what is their religious affiliation and most places there are three possibilities, Protestant, Catholic, and Mormon, and no other possibilities are listed.

Dr. GOLDSTEIN. I think that was my first experience at Toyei. Dr. Bergman asked me to come out and it was a Thursday, it was mission day at that time, and I witnessed someone asking a young child, well you are such and such a religion aren't you, your friend Jim is.

Senator ABOUREZK. In other words, for a child it's almost coercion it seems like.

Dr. BERGMAN. There's nothing else that a child is allowed to do at that period of the day or in the week and in most boarding schools, so he's got to be in one of the other kinds of religious instruction.

Senator ABOUREZK. I used to read the cases on required school prayers, in the court handdown, and everybody agreed at that time, that even a suggestion to a child that he was doing something outside of his normal activities than the other children, it is more like coercion. If the entire class was required to pray at a certain hour, and if some of the children didn't want to pray, they were told to go outside. This effect on the small child was very bad. He felt like he was doing something wrong if he didn't stay in there.

Dr. BERGMAN. It's not so subtle in this instance.

Senator ABOUREZK. In the case of the Indian boarding school, I agree with you.

I want to express my gratitude and the gratitude of the committee to both of you for testifying here today, and we hope that it will be helpful to us.

The next witness is Mr. Jere Brennan, the Superintendent of the Fort Totten Agency, at Fort Totten, N. Dak.

Do you have a prepared statement?

STATEMENT OF JERE BRENNAN, SUPERINTENDENT, BUREAU OF INDIAN AFFAIRS, FORT TOTTEN AGENCY, FORT TOTTEN, N. DAK.

Mr. BRENNAN. Yes I do, and rather than present all of that prepared statement, I'd rather submit part of that. There are two issues that I would like to touch on from the prepared statement, just to illustrate specifically some of the problems that have been discussed this morning.

One, in particular is in relationship to the administration of programs and services we have for children, and this has to do with funds that are made available to the State for the purpose of providing assistance.

One of the things that I would like to say is that as far as funding for programs neither the Bureau of Indian Affairs, and these are strictly my views and don't necessarily reflect the policy of the Bureau in any way, but my observation about what I've seen in terms of my background and my experience for 12 years that I have been a professional social worker and most of that time I've worked for the Bureau of Indian Affairs.

Ten of those years have been spent strictly in child welfare. I asked that my services be as consultant in the area.

What I'm outlining are really my impressions and my views of what happened.

With the title 4A amendment of the Social Security Act implementing AFDC foster care, which was a way of channeling Federal funds into States providing more adequate ways to meet the needs of the children in those States if the States weren't able to generate enough money of their own to meet the need that was evident.

In providing this mechanism, this is for all children, all families in any given State, and States are instructed that these programs are to be implemented in all of the subdivisions of the State. However, when it comes to reservations, this doesn't necessarily apply, and a good illustration of that is what happened there in the State of North Dakota and it's been touched on somewhat this morning in relation to Mrs. Fournier and what transpired at Fort Totten in 1968 when the

amendments of the Social Security Act were passed and the FDC was implemented in foster care.

There were certain eligibility requirements that have to be met in order for children to be eligible for these services. First of all, there had to be a court order by a court of competent jurisdiction in removing the custody of the child. This is one issue.

Many of the tribes are concerned about the fact that what this means, or would mean to them is that the custody of these children would be lost and placed with State departments and public welfare. This is not necessarily so.

Indians, also in the guidelines in the implementation of this program, are instructed that this doesn't necessarily mean custody has to be lost, that States can accept by a court order mere responsibility of placement, and planning and supervision of the child without having custody and this would be enough for them to make payment.

Now, this would make possible their jointly working with Indian tribes who might develop placement programs or be concerned about the placement of their children or have a mechanism like it, so the committee would have an order to operate, to work on this kind of business on or off the reservation, whichever the choice may be.

This, plus some other things, for example, also in order for the home licensing requirement, and this arose in North Dakota. In 1970 the attorney general in North Dakota issued an opinion which states that the State of North Dakota had no "jurisdiction or ability to license foster homes on the reservation nor to implement the protective services on behalf of Indian children since they had no jurisdiction to or authority to act."

So, in effect, what this meant was North Dakota placed themselves out of conformity with the Social Security Act, and then began a whole 2 years, and in fact it's still continuing, a process trying to administratively resolve this situation in North Dakota.

It began with a series of meetings from the regional people of HEW, the Bureau of Indian Affairs, the tribal peoples in the State of North Dakota, a whole series of meetings, and it finally got to the point with North Dakota where there was the threat of withdrawal of Federal funds at that point. They did agree to make payment to Indian foster families on the reservation even though the State would not license those homes. They did this using another mechanism in the regulations which said that rather than licensing these homes, they could be approved foster homes. Now what they will say, as far as approved foster homes, is that they have to meet the same standards as the licensed home, but it's another way of getting around a regulation which would cover homes such as those that are sponsored by church-related work, or church organizations where they need not be licensed. In fact, they're exempt from licensing, but they have to meet this approved status.

The State of North Dakota, on this point of view, saw the Bureau of Indian Affairs as being the authority on the reservation, who had the authority to license or approve these foster homes. We have no such authority.

We have continued to try and impress upon the State that they should deal directly with the tribes in the State of North Dakota in the development of these standards for approval and that they should

work through the tribes to extending them, for example, the means or the list of foster families on the reservation who are asking to be approved for the payments of foster care.

To date, although there have been some improvements in relationships in the State of North Dakota, this program has still not been fully implemented, and to my knowledge, the people within the State department, public welfare in North Dakota has really made no effort at all to get together to meet with the tribes in North Dakota to begin to really get their imput into the administration of this program.

The second thing, it illustrates what I had in my prepared statement is that when policies and programs are developed and implemented that we think are going to be of benefit to all people, it seems to have a particularly negative impact on Indian people. This AFDC foster care program is a good illustration. There is nothing in the implementation of this program that reflected, in any way, how this program was going to effect Indian families or Indian children on the reservation, until this crisis came up in North Dakota which began to stir up all these issues.

It's the same thing with the implementation of food stamps, although that's indirectly related to child welfare and what we're concerned about here today. This is another illustration of a program that was trying to meet the needs of all people but failed to take into account what ramifications that program had on Indian people on reservations, and things that would make it possible for that program to be implemented to the fullest extent to really meet the needs of the Indian people.

The same thing applies to supplemental security income. That's another failure, or rapidly becoming a failure as far as improving the lifestyle and the situation of Indian people, who in some ways look forward to that being something that would be helpful to them rather than the administration of the old categorical systems program.

Those are two of the vital areas that I am concerned about as far as my presentation in my prepared statement.

Senator ABOUREZK. Do you have any suggestions on ways that we can assure that Indian children do, in fact, share in the benefits of the general child welfare program?

Mr. BRENNAN. As I indicated in my prepared statement, if States are willing, such as North Dakota, to implement this program. The suggestion has been made several times today that somehow it might be developed so there is direct funding to Indian tribes to implement these programs in behalf of their own people.

I want to mention, too, that a ramification of this North Dakota attorney general is being felt in other areas. The Devils Lake Sioux Tribe recently submitted a proposal for funding through the LEAA program in North Dakota.

It was reviewed by the North Dakota Combined Law Enforcement Council and they were highly enthusiastic about the program.

Really, what it amounted to was funding for juvenile counselors to work with the tribal court and with children that are endangered, at risk, who attend schools, or who may come before the tribal courts. They highly approved of that. They said, yes, we would approve this project for funding.

There was a subsequent meeting held in Florida, at which time the attorney general, who was the chairman of this North Dakota

Combined Law Enforcement Council, indicated again that the project could be approved; however, there would be no money for this program since the money from LEAA comes through the State, the State has no jurisdiction to go forward on the North Dakota reservation, so they can't give them any money, because they can't enforce any kind of conditions that provide the funds when it came to accountability or the misuse of funds, which to me is a rather negative kind of approach to take in terms of funding or accountability programs.

This is being felt continuously in the State of North Dakota.

Senator ABOUREZK. Do you believe that the social security laws are broad enough to permit direct funding to the tribes or do you think they ought to change?

Mr. BRENNAN. I think there are presently ways that that can be implemented. Unfortunately, I happen to think that North Dakota is taking the negative approach to that. They have been in some of these meetings that we have attended with the regional people from HEW. They would point out very clearly that there's a way that they could purchase service from the tribes or develop the mechanism where without changing the law they could implement that program.

I'm only sorry, where North Dakota has within this whole crisis in that State to provide the opportunity for leadership for other States with significant Indian population, and how to really implement a program like this with a full participation of the Indian people.

They seem to take a negative kind of approach where we assume what they want is for this to go into the courts and that ought to be settled, and, perhaps, that's the legitimate place for it. Although, in my personal view, that is not the place to settle it. It can be done another way and I think it would be of much more benefit to everybody concerned, the State and the Indian people in the State of North Dakota.

In South Dakota, with the implementation of APC foster care, there was another issue. They had no question about implementing the program, their concern happens to be with the tribal courts.

This is what I want to touch on a little bit. Comments were made today by the people that were testifying, there didn't seem to be enough clarification of the fact that when they talked about courts, many times, at least in the States of North and South Dakota, when there are children removed from their family, this isn't always done by outside courts, State courts within the State of South Dakota; this is done by tribal courts and tribal court order.

And, the people, who are then instructed to carry out placement of these children, are following the tribal court order. And, with the resolutions that have been passed in the past prohibiting the removal and placement of Indian children off the reservation.

Senator ABOUREZK. The tribal courts in your experience, like outside courts, follow the advice of the welfare worker?

Mr. BRENNAN. I would say yes. That is generally of vital concern, because either they lack the knowledge, in some instances, or because they don't have the resources and they don't have the command of the resources necessary, that I think that tribal courts ought to have, because that is an awesome responsibility, to act as a juvenile court

with the very limited resources that a tribal court has to provide services for the children.

The judge has to be dependent, I think, on those who present themselves to the court offering recommendation to the court as to what they think, as has been said today, is in the best interest of the child.

Senator ABOUREZK. Does the social worker in those cases also follow the guidelines of the Bureau of Indian Affairs?

Mr. BRENNAN. In what respect?

Senator ABOUREZK. Where the child should be placed and whether or not?

Mr. BRENNAN. As much as possible.

Senator ABOUREZK. Guidelines, as far as removal of the child from the home and placement in a home?

Mr. BRENNAN. Here, I suppose it gets into a matter of policy but I'll take a shot at that anyway.

In our manual it clearly spells out that as far as the Bureau of Indian Affairs is concerned they will always follow the rulings of the tribal court in the terms of placement. And, if the tribe has passed a resolution and said that this child should be placed within the confines of a reservation, then they try to do their very best to find a home on the reservation.

Senator ABOUREZK. In other words, BIA doesn't make outside policy, it says that it shall follow the tribal decision?

Mr. BRENNAN. Right.

Senator ABOUREZK. Is that true in practice as well as law?

Mr. BRENNAN. As much as possible, I know some instances where the tribe has passed that resolution and where the workers have gone to the tribes and to the tribal court and said we simply can't find a home and ask for their suggestions. And, in a couple of instances have with agreement of the tribes and the tribal court, placed children off the reservation.

I think an issue and a distinction there in terms of control and being able to feel that they have really full participation in this, sometimes it is a matter of the child being placed off the reservation, is that somehow the tribe and the tribal court, the authority of that court is recognized. The dignity of that court is supported by those people off the reservation so that if the child was placed off the reservation, the tribal court would maintain custody. That child would be returned by the social agency that makes the placement if they place the child off the reservation, at anytime that the court requests it.

Senator ABOUREZK. Mr. Brennan, I want to thank you very much. It has been very good testimony and we're very grateful that you came to testify.

Mr. BRENNAN. I thank you Senator.

I would just like to make a couple of other comments about things that we're raising today.

Some of the things that have been proposed by AAIA in their legislative proposals, for example the Bureau of Indian Affairs being able to, in effect, subsidize adoptions.

To my knowledge, and here again it's another thing that has to do with policy, but in the area this has been developed and is in the process of being developed over the last year, where, in effect, what we're trying to do is to go back to many of these children who have

had long term foster care with Indian families on reservations, where these children become a part of that family, to discuss with these families whether or not they would like to legally adopt that child.

In some ways, as far as Indian families are concerned, that really is immaterial, but by terms of the legal protections of the child that they don't now have because of their indeterminent status and foster care, adoption through the tribal court would provide this kind of legal protection.

What we are in the process of developing, or is being developed, I should say, and I'm no longer a part of that, is to talk to these families and see if they would like to go through the tribal court to adopt these children and then to continue the foster care payments. So, in effect, this would be internal subsidized adoption program. That is something that is being done now.

I think there are some very significant things happening, in as far as Indian involvement in child placement and foster care, and adoption and I've seen nothing but good coming out of them.

You'll hear tomorrow from some representatives of the Wisconsin foster care adoption program, where they did work with the State and, in effect, are using State standards as far as the placement of children is concerned. I'm looking forward to seeing how that works out.

I just wanted to say, too, that in terms of standards, there is also some suggestion that maybe these ought to be specifically written to apply to Indian people on the reservation. That is being done, or at least there is a proposal that has been submitted, and probably will be again.

To me, in the States of South Dakota and North Dakota particularly, their standards are not so stringent. What they say they are looking for, many times does not turn out unfortunately, is that they are looking for families that can provide the emotional warmth that will help this child grow and develop without some attention to the physical standards of the home.

I think this is getting more and more true. They are paying less and less attention to the physical standards as far as homes are concerned to the point where it may not be necessary to legislate that kind of policy, that that's really what there is resulting internally anyway.

Senator ABOUREZK. Again, we thank you for your expert testimony.

[The prepared statement of Mr. Brennan follows:]

STATEMENT OF JERE BRENNAN, SUPERINTENDENT, BIA, FORT TOTTEN AGENCY

I would like to express my appreciation to the Chairman of the Sub-Committee for inviting me to testify at this hearing on the welfare of Indian children. It has become trite to say that these children are our hope for the future, but it is a fact. If Indian people are to survive and maintain their identity, it is to be done by these and the succeeding generations of Indian children yet unborn. The problems encountered by these children and their families as they attempt to grow and develop are the subject of this Sub-Committee hearing. My statement is being made as a result of my experience as a professional social worker with twelve years experience, ten of which were spent in the field of child welfare working with or in behalf of Indian families and children. I am not here to address the Sub-Committee as an employee of the Bureau of Indian Affairs.

Many of the problems of Indian families and children arise out of the social and economic system that has developed on many reservations. The statistics on unemployment, mortality rates, inadequate housing, education, and health care as they affect Indian people, are cited quite frequently so I need not quote them but all of these problems create the climate of helplessness and hopelessness that

lead to the disruption and destruction of Indian family life. Although they have only limited impact on the large scale problems just referred to, I respectfully submit the following comments.

1. If services to Indian families and children are ever to be truly effective, there must be a change in what appears to me to be a national philosophy and financial support. At the present time funding for public social agencies services are allocated to provide (pay for) care of the Indian child away from his own home, adoption, foster care, or institutional care. This is a priority that must change. Funds to these public agencies must be made available to them or to Indian tribal or urban groups to develop resources and services at the local level to meet the needs of Indian families and children. The Family Development Center established on the Devils Lake Sioux Reservation, the day care center recently established there, and the Family Enrichment Program on the Omaha Reservation are examples of the kinds of programs that need to be fostered and supported, as are the establishment of group care facilities such as those in operation on the Cheyenne River, Turtle Mountain, Lake Traverse, Fort Berthold, and Rosebud reservations. The Bureau of Indian Affairs has no funds under its present system to assist tribes in the establishment of such resources, apparently under the assumption that other governmental and philanthropic organizations have funds available to meet these needs. In my experience, this has not been the case.

Many times Indian tribes and organizations are the last to hear about funds available through these resources; and when they are aware of the resources, they find the funds are available for planning, study, or research but not for construction, staffing, or operation of locally-based treatment or care facilities which Indian people have decided long ago was a need on their reservation. Private social agencies that depend on donations or contributions from such community resources as United Way can develop innovative programs in reaching out to provide services to families or children in their own homes but for the most part such agencies have little relationship with reservation Indian people since they are located in the larger metropolitan areas and are geared to serve that population. Some attempts have been made to interest such agencies in providing consultation to tribes in the possible development of a reservation-based social service agency without success. The needs of urban Indian families and children have been overlooked, lost, or deliberately ignored by social agencies. I have heard and been told by Indian people of their experiences in going to a social agency in a city where the worker's solution to their problem was for them to go back to the reservation since the services they required could be provided there. Sometimes these workers do provide assistance other than a referral back to the reservation. They offer, or will buy a person a bus ticket to "help" them get back home.

State agencies were mandated by the Social Security Act to provide certain services to *all* eligible recipients. Such services as day care, homemakers, and other services that are designed to keep families together are not adequately funded or staffed. Again, the majority of funds available are to provide for the care of children away from their own homes. This is not necessarily the wish of a particular state agency but is tied to the purpose of the funds that are appropriated by Congress. We must reorder our priorities and put our money where our mouth is if we are truly committed to the preservation of the family and in this case, the Indian family. We must make it possible for Indian tribes to develop programs that they feel will preserve and support family stability on their reservations, and if it is not possible for Indian children to remain with their families we must support the development of local resources to provide alternative care for, children to the maximum.

2. We could all do more to serve Indian families and children with existing resources and services if there were more coordination between agencies and programs. There are certainly gaps in services but on any reservation, there are services that may not be known to any other agency, or the purpose of the program may not be clearly understood. I have felt for some time that if the purpose and services of many of the programs existing on a reservation were well known, and there were sincere attempts between and among these agencies to work together toward their common goal "to help people" that there would be less need for children to be removed from their own homes.

Tribal government could play a very important role in bringing about such a coordinated, comprehensive approach to serve their people. There is almost no agency or program that is on a reservation that is either not under their control as the sponsoring agency or there to be responsive to them and they certainly have the prerogative to insist that these agencies work together to provide maximum services to their people.

3. The states, through their public welfare departments, are the primary service agency responsible for providing child welfare and other social services to Indian people on the same basis as other citizens as mandated by the Social Security Act. The State obtains Federal funds on a matching basis to provide these services to *all* citizens regardless of residence and they are required to submit a State Plan outlining how they will provide these services in all political sub-divisions of the state. Tribal governments are reluctant to become fully involved in state-administered programs fearing that this might mean subjecting themselves to state jurisdiction. And State agencies withdraw or limit their services because of their concern (real or imagined) regarding their "authority" to provide services to Indian people on the reservation. The "bugaboo" of jurisdiction has seriously hampered both governmental entities in the full provision of services that could be of help in serving Indian families and children. The present posture of the State of North Dakota is a good example of the negative effects of the problem of jurisdiction as it affects the lives of on-reservation Indian families and children. At the same time, it also contains the elements of a satisfactory resolution to the problem. In 1970 the Attorney General of the State of North Dakota issued an opinion which indicated the State did not have the authority to license foster homes or provide protective services to Indian children on the reservation. They also prohibited their workers from investigating cases of alleged neglect, abandonment, or abuse, filing petitions in tribal court in behalf of Indian children in need of protection, appearing in tribal court, or making recommendations to the court on the placement of Indian children. This action immediately brought into question North Dakota's conformity to the provisions of Title IV–A (Aid to Families with Dependent Children—Foster Care) under the Social Security Act, and State Letter 1080 from the Department of Health, Education, and Welfare. Under AFDC–FC, the states were mandated by law to provide services to children eligible and in need of such services in *all* political sub-divisions of the state. The state was mandated to provide services to families and children and if needed pay for the care of children outside their own home if they met the eligibility requirements: (1) if the child was removed from the home of an AFDC family; (2) if the family had received AFDC at any time six months prior to the removal of the child from the home, or (3) if the family would have been potentially eligible for AFDC at the time of removal of the child from the home.

Another important eligibility factor is that there must be a court order from the court of competent jurisdiction removing custody of the child from the parent. State Letter 1080 specifically stated that tribal courts were to be considered courts of competent jurisdiction for purposes of implementing AFDC–FC. One other provision was the fact that the child must be placed in a licensed or approved foster home. North Dakota in conforming to the Attorney General's Opinion obstructed the implementation of AFDC–FC for the benefit of Indian children. They did not recognize the tribal courts as the courts of competent jurisdiction by prohibiting their workers from petitioning or appearing in tribal court or making recommendations to the court on the placement of Indian children. They would not license an Indian foster home on the reservation since they had no "authority" to do so, making it impossible to place an Indian child in need of such care in an on-reservation foster home (although they did later agree to accept the alternative of "approved" foster homes as sufficient to make payments) although they offered no services to the child in the foster home, or to the parents in an attempt to plan for the return of the child at some future time. After the threat of the withdrawal of Federal funds, North Dakota did agree to make payments to "approved" foster homes. They left the criteria, judgement, and certification of approval of these foster homes to the Bureau of Indian Affairs and/or to the tribes of North Dakota. The Bureau of Indian Affairs has no authority to approve such homes, and the tribes were left to guess what constituted an approved foster home. However, at least two tribes, the Turtle Mountain Chippewa Tribe and the Devils Lake Sioux Tribe, have adopted standards for the approval of foster homes that they feel are acceptable to them and to the respective county welfare departments serving their reservations. It is my observation that this is a concession on the part of the State of North Dakota rather than a true acceptance of the sovereignty and dignity of the tribes involved. To date I know of no sincere effort on the part of the North Dakota Social Service Board to engage in any meaningful discussion with the tribes of North Dakota to resolve these issues in a way that would be most acceptable to these tribes, and to demonstrate that the State of North Dakota is sincere in its pronouncement that they recognize and support the wish of Indian people for self determination. Because of the situation in North Dakota, I see a chance for that state to assume a leader-

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ship role in developing a working relationship with the tribes in that state that would maximize Indian involvement and participation in the resolution of these problems and be a model for other states; however, it appears to me that they choose to resolve the issue in the courts. The ramifications of the North Dakota Attorney General's Opinion are now being extended to other areas. The Devils Lake Sioux Tribe at Fort Totten, North Dakota, recently submitted a proposal to the State LEAA Program to fund a juvenile counselor position to work with the tribal courts.

The proposal was approved but the Tribe was told it could not be funded because the State had no "authority" to enforce accountability on the use of funds. Perhaps my perception of how these problems might be resolved is unrealistic and the courts are the only avenue for final resolution.

South Dakota was concerned about the same issues but chose to implement AFDC–FC and other services; however, they expressed concern about the tribal courts and tribal court orders. In some cases, the tribal court order removing custody of a child from his parents was only one sentence signed by the tribal judge. They did not feel that this was adequate to constitute sufficient authority for them to act in behalf of the child referred for services. Although this may appear to be more concern about form than substance, such is not the case. The State of South Dakota was hopeful that the court order would reflect the fact that the process for juvenile court hearings as outlined in the tribal codes was being adhered to to protect both the interests of the family and the child before they assumed responsibility for service or placement as ordered by the court.

Another factor not touched on previously that was a prohibiting factor in the licensing process for foster care is the fact that a foster home or group care facility must have a fire inspection as a part of the process. In both North and South Dakota there are Attorney General's Opinions indicating that the State Fire Marshal has no jurisdiction on the reservation to make such inspections since they had no enforcement authority if they should discover deficiencies in these facilities. I understand that this may have been modified in the State of South Dakota.

4. These two situations illustrate another problem. The failure to consider the effects of policy decisions, regulations, and laws on Indian people. Although they are distinctly a minority (in numbers) those who develop policy and implement programs cannot continue to ignore the effect of these decisions on Indian people because of their special relationship to the Federal Government. In this case there should have been more specific language in the law, or specific interpretations about the provision of these services on Indian reservations. This failure constantly appears in other programs; i.e., Food Stamps, Supplemental Security Income, and others; and this failure results in Indian people not being able to fully participate or derive full advantage of programs developed to meet human needs.

5. There is a need to review and update tribal codes to provide tribal courts with the tools to be able to deal more effectively with juvenile court matters. It is my feeling that the tribal courts should be removed from the arena of tribal politics.

The tribal court cannot be effective if it is subject to the pressure of tribal politics. I also believe that the juvenile court should be a separate court and the juvenile court judges should have access to all of the training necessary to assure that they can effectively carry out the awesome responsibility of deciding the fate of families and children who come before them for help. It is my belief that the juvenile court should not be a punitive court unless it has no other recourse. Perhaps a more appropriate title would be a Family and Children's Court. Such courts should have a staff under their supervision who could do pre-hearing investigations, assume responsibility for probation services which would include providing services to the whole family under the jurisdiction of the court. In addition it is hoped that the court would also have access to all of the resources necessary to help the family and the child.

6. In the last two or three years, there has been an awakening on the part of the tribes in the Aberdeen Area about what is happening to their children. It is not to say that there may not have been such concern in the past but in this period of time, I have notice a decided increase in the ability and willingness of Indian people to express this concern loud and clear. This sub-committee hearing is very clear evidence of this expressed concern. It has led to a variety of actions, the development of on-reservation group care facilities and services, and the passing of resolutions on the part of tribal councils prohibiting the placement of their children off the reservation. In the past such placements might

have gone unnoticed. This is not the case today. This very definite statement and attempts to enforce this mandate have led to conflict which has sometimes been productive, and has sometimes led to problems that remain unresolved. Despite the charges of "kidnapping," insensitivity, ignorance, and prejudice leveled at social workers (all of which may be justifiable in certain instances) I doubt if anyone here would envy the social worker who is called at 2:00 a.m. to drive fifty to one hundred miles to a home where children have been left unattended from one, two days, or even up to a week with little or no food or heat and be asked to find a temporary placement for the children. Unless you have experienced it, you do not know what it is like to locate relatives of the child only to have them tell you they do not want to take the children because it will only cause hard feelings with the parents, or they do not want the parents coming around bothering them. You finally find a home, usually an old standby family with a big heart and room for one more child. You arrive home just in time to clean up and go to work at 8:00 a.m., and you pray that the parents will show up and may be you can return the children to them then or work out a plan to return them as soon as possible. Sometimes it is necessary to use a non-Indian home or a home off the reservation and then you must face the decision of violating the mandate of the tribe, or doing what you feel must be done to care for the children and suffer the consequences.

This is an emotionally loaded issue but I would hope that there will be a time when the heat will decrease and there can be discussion and resolution to some of the problems I have referred to and many others that lay beneath the surface. Such issues as the need for institutional placement off the reservation for specialized services or treatment for certain children, the rights of the tribe, and the rights of parents to decide what is in the best interest of the child; i.e., the unmarried mother who insists that she wants her child placed with a non-Indian family off the reservation or the parents who feel that the services of an agency or institution off the reservation would better meet the needs of their child than an on-reservation group care facility.

Some situations that jeopardize the lives of Indian children cannot be resolved by the tribe or any social service agency. I am referring to some of the cases described by the Association of American Indian Affairs in *Indian Family Defense.* There is no law that prohibits a parent or parents from doing what they feel is in the best interest of their child or children including consent for them to leave the reservation and reside with another person or family, or to attend any school including a Federal boarding school. When such an arrangement is found to be harmful, or if the parents request the return of their child or children then social agencies, or legal assistance should be immediately available to assist them in assuring the return of their child or children. The only protection against such situations is the strengthening of the Indian family and helping them to see that as difficult as things may be, they can offer their child the one thing that no one else can provide, security and love. These things cannot be traded, bought, or sold.

SUMMARY

There must be a re-emphasis on our National priority to preserve the family. The first priority must be to make every effort to assure that children remain with their own families. This takes money and manpower neither of which are now sufficiently available. The need for funds to provide care for children who are removed from their own homes seems more easily understood than the efforts to serve families and make it possible for children to remain in their own homes.

Legislation must be developed, studied, and reviewed for the effect it will have on Indian people in view of their special relationship to the Federal Government. Because this is not done and special provisions are not made that give recognition to this relationship problems develop that deny Indian people equal access to services and benefits under these programs. Indian people must be involved in this whole process.

There must be a clarification of the role of various Federal agencies in the administration of these programs. Many times Indian people view the Bureau of Indian Affairs as the primary service agency, when in fact in the case of child welfare services, the state is the primary service agency through block grants provided by the Department of Health, Education and Welfare. The State is required to submit a plan to indicate how these funds will be used to implement these services in all political sub-divisions. Because of the unique problems that arise in providing such services to on-reservation Indian people, they should be involved with the State in developing the provisions of the State Plan relating

to services on reservations. If a State is unable or unwilling to develop such special provisions then perhaps consideration should be given to providing funds directly to Indian tribes for provision of these services.

Funding for programs and services should be reviewed and changed. At the present time an Indian tribe may develop a proposal for a program that they consider as a basic service needed on their reservation, or they may develop an innovative program that they feel meets their particular needs. They soon discover that this cannot be funded through regular funded programs; however, they may be referred to another agency with a department only to be told that funds for that particular proposal are not yet available, or have already been committed. They may receive encouragement and be told to submit a proposal; they do so; and it may be approved and funded for *one, two,* or *three* years. They are told that they, during this time, must be seeking other avenues of funding and support if the program is to continue, and they are told if they really care about continuing this program that they will find these alternative resources. Funding agencies seem to ignore the fact that if the tribes had the money to support such a program, they would not be coming to them in the first place, and it is highly unlikely that this mystical "alternative resource" is going to be available at the end of the funding period. More and more tribes are being asked to commit revenue-sharing funds to initiate or provide continuing funding for such programs. It is impossible for a tribe to meet the requests for funding out of revenue sharing. Funding agencies also seem to ignore the fact that the economic base to continue such programs is not present on most, of not all, reservations to continue support of many basic and valuable programs developed to meet the needs of their people. Funding agencies must have the funds available to continue support of basic, demonstrably effective programs. Adequate funding must also be available to carry out mandated services such as day care and homemakers services. It is incomprehensible to me how in Region VIII there were no funds available through the Department of Health, Education, and Welfare or any other agency to assist the Devils Lake Sioux Tribe in their effort to start a day care center on the Fort Totten Reservation when the emphasis is on relieving the welfare rolls by getting people into the labor market.

The primary purpose of this day care center was to provide care for children of parents who would be employed in the Devils Lake Sioux Manufacturing Company (a firm with an employment potential of 200 people). Technical assistance was available to explore funding resources, but no money for a very basic community service.

5. There must be a mechanism developed to assure dissemination of information on funding resources available for various programs. Many times Indian tribes or groups have no information on programs so they lose the opportunity to apply, or they receive the information a week before the closing date for applications. This leads to a rather hurried attempt to develop a program proposal to submit for funding that does not allow sufficient time for real planning and development. It does little good to throw together a proposal in the hope that it will be funded without sufficient time to really develop a meaningful proposal, see where it fits in relation to other programs, and fully understand the requirements of the funding agency in the administration of the program that has been developed.

6. State and Federal agencies must give more than "lip service" to the concept of tribal sovereignty and the right of self determination of Indian people. They must be willing to meet with tribal governing bodies as equals to discuss the implementation of programs on reservations. They must also be willing to seriously consider amending or changing state laws to reflect this recognition of tribal sovereignty; i.e., Recognition of tribal courts on the same basis as other courts within the state for purposes of commitment to state institutions if it is the desire of the tribes that their people have access to the services of these facilities.

7. Indian tribes must continue to study their position with regard to the services provided to Indian families and children. The adoption of Indian children is not only an emotionally-loaded issue but it is a very complex legal issue in which the rights of the tribe and the rights of the individual tribal member must be carefully explored. Tribal codes must be amended in the area of adoption, domestic relations, and the administration of the juvenile court system. No one who has seen the problems resulting from the removal of Indian children from their families and placement with non-Indian foster families can disagree with the concept that these children can best be served in their local communities or op their own reservation, if possible, or placed with Indian families rather than with non-Indian families. This is another issue that Indian people must come to grips with and resolve. There is the feeling on the part of some tribes that children

from their reservations should only be adopted, or cared for by tribal members from that particular reservation, and even further that the family adopting or providing foster care must live on that reservation.

Just for illustrative purposes, and not that it is a fact, this would mean that a family who are members of the Devils Lake Sioux Tribe living off the reservation in Devils Lake (thirteen miles away) would not be acceptable to provide foster care and adopt a child from that tribe. Other tribes take the approach that the important concept is the fact that the child be placed with an "Indian" family regardless of tribal affiliation. Or in some cases a tribe may not want to limit their options and consider placement (primarily foster care rather than adoption) with a non-Indian family off the reservation to meet the particular needs of the child with the assurance through tribal court order that they (the tribal court) still has custody of the child and has the right to ask for the return of the child to the reservation if necessary.

8. Tribes must develop a local service and monitoring system such as a strong tribal welfare committee to become knowledgeable about and involved with the whole process of assuring the rights of families and children, and becoming involved in the placement process and follow up on children placed in foster care. Here again there is the need for adequate financial support for tribal welfare committees to do the job they need to do.

9. No one can legislate away intolerance, prejudice, insensitivity, or ignorance and many of the evils of the placement of Indian children in the past arose for these reasons (this is not to say that things are perfect now) but both agencies and Indian people can have considerable impact on this situation. Employees selected to work on reservations should be carefully selected and wherever possible Indian people should be employed. Many agencies complain that they cannot find qualified Indian employees, but also seem to be unwilling to consider hiring people at a lower level and then assuring them that they have training to raise their level of competence, and seeing that this training is provided. Non-Indian employees at every level should be required to undergo a continuous training process developed by Indian people on the reservation where they are employed to help them better understand the customs, traditions, and life styles of the people they are working with. These people must also be a part of the community and be willing to participate in the activities of that community.

I was told that my statement was to be brief but I found it impossible to do so and I appreciate your consideration in allowing me to present my statement. I would like to close by saying that I give my support to the efforts of this Sub-Committee in the hope that the end result will be the strengthening of the Indian family and the preservation and protection of our hope for the future, our children.

Senator ABOUREZK. The next witness is Mr. Leon Cook, Department of Indian Work, Minneapolis, Minn., former president of the National Congress of the American Indians.

Is that right?

Mr. COOK. Yes.

Senator ABOUREZK. We would like to welcome you to the committee.

STATEMENT OF LEON F. COOK, DEPARTMENT OF INDIAN WORK, MINNEAPOLIS, MINN.

Mr. COOK. Thank you, Senator.

Mr. Chairman, I haven't a formal written statement but I do have a factsheet that I'd like to allude to in talking about the adoption and foster home program in the State of Minnesota, or the lack of them.

Many of the issues that I think we are talking about today, I think recommendations were made, particularly Mr. Byler and his associates, in terms of the legislative recommendations. I wholeheartedly subscribe to and support.

In terms of my association with the position, or my position with the national conference, I'm looking at things that I've alluded to in the past and that have been said before so many times that Indians

throughout this country have been the victims of all kinds of systematic forms of genocide, and the situation where we're confronting what we call in Indian country, an infant crisis is another form of that systematic form of genocide of our Indian children.

Again, what has been alluded to and what it amounts to is that in lieu of subsidy for what used to be guns and soldiers we're losing our kids by law, legislation and policy that alluded to the impact of Public Law 280. We're talking about BIA Federal, State, county policy as it relates to adoption and foster home placement of Indian children and we're looking at the laws within each respective State that has Indians and has to do with relinquishing of Indian rights and Indian children.

One suggestion that I might make and has been alluded to in your bill S.J. Res. 133, I'm sure they intend to review the question of sovereignty of Indian tribes. In that respect, I think both the Congress, on the one hand, and the executive branch of Government on the other, as well as the Indian community have been somewhat remiss if the Indian community is to subscribe to and frivolize their sovereignty. One of the difficulties is that the parties are not really utilizing their sovereignty when it comes to the adoption of Indian children or their placement.

In Minnesota, for instance, we have an estimated minimum of 1,413 children, under 18 years of age in adoptive homes. One out of every eight Indian children under 18 is in an adoptive home in Minnesota. An estimated 104.4, as Mr. Byler alluded to this morning, under 1 year of age in Minnesota are in adoptive homes.

To state another way, one out of every four Indian children born in this State, Minnesota, is placed up for adoption. A projection of that rate, and we're looking at a situation that in 10 years, one out of every four Indian children under age of 18 will be in adoptive homes in the State of Minnesota. That's 25 percent of all Indians in a generation would have been brought up by adoptive parents who are non-Indian.

We did a survey in the spring in Minnesota of 100 State wards and only 1 was in an Indian home.

One of every six Indian children in Minnesota was adopted in the last couple of years, instead of compared to 611 non-Indian children. Indian children in Minnesota today are adopted at the rate of eight times the number for non-Indian children.

Infants under 1 year old are adopted there at the rate of 8.3 or 139 percent greater than the rate of non-Indians in the State of Minnesota. Indian children are in adoptive homes at the rate of 5 times that for non-Indian children.

At current rates, one out of four Indian children will be in adoptive homes in 10 years. At the present rate, the comparative rate difference between Indian children and non-Indian children if the present trends continue will be 1,000 percent, or greater, within 10 years.

At the current rate, one out of four Indian children will be, pardon me; there are a minimal of 252 Indian children in foster care in 1971 and 1972 in the State of Minnesota. This again represents, 1 out of every 48 children.

The result being that the minimum 262 Indian children under 21 are in foster care in Minnesota, or again, 1 out of every 48 children.

Indian children are placed in foster homes minimally four to five times as often as the non-Indian children in Minnesota. There is an average of 259 Indian children in foster care in Minnesota in any given year.

Now all of this in terms of facts may sound a little bit staggering, but when we look at the, what I call the lack of responsibility of the Federal Government, particularly the Bureau of Indian Affairs in Indian communities, is no different with foster care and adoptive care for our Indian children. Here we're talking about natural resources, and they are, in fact, one of our communities natural resources.

Again, looking at the abrogation of that responsibility on the part of the Federal Government in past years, but what it is complicated by now is that we're looking at a situation where county governments and State governments working not with the Bureau of Indian Affairs, is really what I call a supply and demand situation of Indian children, where the past practices have simply been where you've got numerous demands for Indian children by non-Indian people in the United States. For the slightest reason whatever Indian children are systematically stolen from the parents under one guise or another, mostly by denial of due process of law, by prejudice and it's removal of any children from their homes, by prejudiced standards for recipient homes, particularly on our reservations, but nevertheless a systematic theft of Indian children by all these agencies, and in addition to that, private agencies in placing Indian children in adoptive home placement in non-Indian homes.

It's only been very recent in the State of Minnesota that our community, our Indian community, has taken an active role in participating in questioning and inquiring into this State and county, as well as the Federal Government policy and church policies of adopting Indian children and placing Indian children in foster homes.

We've got in Minneapolis, two Indian group homes. One of the difficulties we're facing is that when we confront State and county governments and private agencies about the need for new Indian foster homes, we're also reminded of the fact that there are all kinds of group homes. It's always incumbent upon us to have to explain that those two in Minnesota, one for girls and one for boys, but the girls in particular was the first such Indian group home in the country, much less in the State of Minnesota, much less in the city of Minneapolis.

So, what we are looking at, first of all, some kind of standardizing of the rules and regulations regarding removal of children from homes.

Secondly, some kind of standardizing of homes that would be recipients of Indian children, both for adoption and foster home placement.

On the other side of the coin, I speak at a number of different vantage points. I am personally an Indian orphan. My mother left when she had me. My father died when I was seven. I was raised by my larger family, that being my grandfather until he died, and then one of my aunt's—my dad's sister. I was raised on a reservation until such time that I left of my own discretion.

At the same time, I had a very good friend that I used to move around that State with that had a different kind of experience. We both grew up about the same time.

In terms of a parallel, like Dr. Westermeyer alluded to this morning, our parallels were something like this; I left the reservation, at my discretion, and went to prep school. My friend wound up in our State youth reformatory. I went to college. He wound up in a mental health security prison. I went to graduate school and he wound up in our State penitentiary.

That is not an unusual pattern. I think that the kind of testimony alluded to this morning supports the fact that I think that the two kinds of upbringing, either mine or my friend Joe's and mine was being raised on the reservation and incidently, I was raised in a two-room house and there was 14 people in it, 12 other children besides myself. It didn't have any adverse effect on me, I don't think, emotionally, or socially, in recognizing that we were in a poverty situation. I hope to think that I came out right after that kind of experience.

One of the other situations we find is that most of our youth homes in this State and institutions for delinquent youth, I had an experience a year ago this spring where I addressed a number of people in the city of Minnesota and where a number of kids from the State home school were present.

After I talked to them, a number of the kids came up to me crying. I said I thought I gave a fairly good speech but I didn't intend to have everybody crying after I got through. What had happened, the kids came and said they really didn't know all these things about our communities.

I said, like what? They said we were told that we couldn't go to our homes if we didn't have a permit to go back to our reservations. We were told that we had to have such permission to visit our relatives on our home reservations. We were told that we couldn't be given any information about who our parents were and where our home reservations were, or whether or not we were enrolled in our respective communities.

These kinds of situations, in my mind, are not exceptions. I think it is true all over in communities across the country.

The situation that we are confronted with is not only a need for simply, I think, minimal legislation, but I think the question of sovereignty, the question of whether or not the present policies that are fostered both by the Federal Government programs, by State governments and county governments, are in fact another form of systematic form of genocide of the Indian people. At least they appear to be institutionalized forms of infanticide, if not institutionalized genocide of Indian people.

I think we need to look at the repeal or some kind of repeal of 280. I think that has a lot to do with that, because what has happened is that States, particularly, have extended, what I think their jurisdiction is under Public Law 280 to have, in their own minds include their right, as they see it, to do what they feel like with Indian State wards or in the adoption or foster placement of Indian children. If they see that it is a responsibility that they have under the provisions of Public Law 280.

I think there again, we have to take a serious look at that being repealed altogether.

In terms of standards, I think it might be a little difficult but I think it can concieveably be done, that standards, particularly, for the removal of, and for homes for Indian children in communities,

and it's urban communities where we have large numbers of Indians indigenous to those communities.

For instance, the Navajo Hogan complies and would not be ineligible to be a home for Navajo Indian children whether it be by a nonrelated Navajo family or the larger family of a particular tribe.

Looking at all kinds of possibilities, but I think, again, I want to encourage that when the reviews are done and when we have in fact 133 as a law, one of the areas that will be reviewed will be the question of sovereignty, not sovereignty in general, at least as to whether or not how it relates to the adoption or placement of Indian children and the governing of those espoused by the particular Indian tribes and governing bodies.

Senator ABOUREZK. Thank you very much.

I have a couple of questions. We heard this morning about cases in the past 2 years where the children have been literally stolen from the parents, and I think you were here when the testimony was being given.

What about those children who have been adopted under these procedures? Can we and should we go back and examine these cases where this has all happened and try to restore some kind of rights to the parents and the children?

Mr. COOK. I do think we really have a moral and legal responsibility to do that. One of the things that is happening, and as you all know I give a lot of addresses to all kind of groups and invariably I run into people that have either Indian children who are adopted or are in their homes as foster children, and of course, the kind of determination in the Indian community is a two-way street. One where Indians are becoming more sensitive about themselves and about the children, but on the other hand, the parents that have adopted or have foster children are becoming more and more sensitive. So, one of the things that is happening is that these people are coming to me and saying we'd like to have our Indian children become familiar with Indian communities. How can we do this.

I generally reply that I'd like to have some kind of injection from a bill to do that, but it can't be done.

What happens is that those children in those circumstances, and many, many children have been adopted in the last 5 or 10 years where Indian children have been in vogue in the community to adopt, is that these kids in adopted situations find themselves in a non-Indian setting in non-Indian families, Indian children, particularly when it comes to the age of dating, as something other than what they thought they were.

I think it stops clearly in their identity of being male and female, but they haven't learned to identify themselves as Indian or non-Indian.

All that leads to traumatic kinds of situations where we're finding ourselves in situations where they are committing suicide, dealing in drugs and alcohol, those kind of things, school dropouts, juvenile behavior and all kinds of non-normal kinds of behavior as resulting from their finding out just who they are and what they are, and prior to that point in time, the teenage point in their lives and all of a sudden we're finding ourselves with all of those children now before our juvenile judges, criminal courts in the State institutions.

I think that should be at least reviewed. I don't know whether it is possible to do. I think there are many adoptive and foster home places that really have done this with good meanings intended but the results have been traumatic.

Senator ABOUREZK. Mr. Brennan implied during his testimony that the present feeling about child welfare in the Dakotas, is it was quite possible that the BIA in the States could implement child welfare reform to adopt the further legislation.

But my question to you, is it not possible that this is only true because of those tribes that have been protesting the present situation in the Dakotas? And, wouldn't it be preferable for them not to be at the mercy of the good will at the BIA and the State, and wouldn't legislation which prescribes tribal control provide a guarantee that presently does not exist?

Mr. COOK. I think BIA and the State welfare workers have been carrying on like at Auschwitz and I don't think they're going to change overnight. I think that the only way you're going to change is to establish law and legislation to forbid and prohibit that kind of mass adoption and theft and placement of Indian children. I don't think anybody in the county government, or BIA is going to do that voluntarily. If they were going to do that they would have done that a long time ago.

Senator ABOUREZK. I don't have any more questions and I merely wanted to express my gratitude for our committee for your coming here to testify here today. I appreciate it.

The next set of witnesses is Mary Ann Lawrence of Pine Ridge, S. Dak., and Mr. Richard Lone Dog of Rosebud, S. Dak., who is presently director for the Rosebud Detention Center.

I would like to welcome both of you to the committee. Do you have any prepared statements?

Ms. LAWRENCE. No; I don't.

STATEMENT OF MARY ANN LAWRENCE, PINE RIDGE, S. DAK., AND RICHARD LONE DOG, ROSEBUD DETENTION CENTER, ROSEBUD, S. DAK.

My name is Mary Ann Lawrence and I'm from South Dakota. Pine Ridge.

Senator ABOUREZK. What is your present position Mary Ann?

Ms. LAWRENCE. Director for the Indian family defense project and I work with the Association on American Indian Affairs.

Working with the family defense project, I took a survey of the Rosebud Indian Reservation. I visited families, a lot of people about child welfare trying to find out how much interest they have in child welfare.

Through these interviews I found out that there was quite a few of the people, through the children of the health welfare, not only in South Dakota but across in Nebraska, the Nebraska State welfare has taken a lot of children from the people.

Senator ABOUREZK. When you did the interviews, did you compile any statistics or numbers or people and so on?

Ms. LAWRENCE. Yes, but I don't have it with me.

Senator ABOUREZK. Would you like to send it in to the committee?

Ms. LAWRENCE. Yes.

Senator ABOUREZK. We will hold the record open for 2 weeks if you will send it in when you get back. We would sure appreciate it.

Ms. LAWRENCE. All right.

Senator ABOUREZK. Go ahead, Mary Ann. What did you find out from the interviews?

Ms. LAWRENCE. I found most of the people are concerned about the Indian children, but it seems to me like once an Indian family loses a child, they give up. They don't try anymore. Their minds are already made up.

Senator ABOUREZK. You think once welfare takes a child away from them?

Ms. LAWRENCE. Yes; that's right.

Senator ABOUREZK. What about the extent of legal help from lawyers that they get or don't get?

Ms. LAWRENCE. Most of the people that I've interviewed don't seem to realize that they can get legal help.

Senator ABOUREZK. What did you find out when you advised them there was legal help available to them through tribal poverty lawyers or other sources?

Ms. LAWRENCE. Why didn't anyone tell them?

Senator ABOUREZK. Did any of them feel like they wanted to go back if they could get legal help?

Ms. LAWRENCE. Yes, most of them.

Senator ABOUREZK. Did they try them, to your knowledge?

Ms. LAWRENCE. Yes. Some of them right now are trying to get their children back.

Senator ABOUREZK. Do you think it would be good to have a requirement that the welfare agencies and an attorney be notified and appointed to represent the parents?

Ms. LAWRENCE. Yes, and the children, too.

Senator ABOUREZK. And the children? Do you think that would be a good requirement to have into law?

Ms. LAWRENCE. Yes.

Senator ABOUREZK. What would it do for the spirits of the Indian parents themselves? Would that be of benefit to them, you think?

Ms. LAWRENCE. Yes; I think so.

Senator ABOUREZK. What else did you find out in your survey, Mary Ann?

Ms. LAWRENCE. I found out that the Indian people are interested in foster home care but the problems most of them have——

Senator ABOUREZK. Excuse me. When you say they are interested in foster home care, does that mean they would be willing to take other Indian children in if someone wanted to adopt one out?

Ms. LAWRENCE. Yes.

Senator ABOUREZK. Did you find that in cases where Indian children were taken out of the homes that the welfare people in the area you surveyed were put in non-Indian homes or were they put in other Indian homes?

Ms. LAWRENCE. I found it pretty well mixed; some in Indian homes, some not.

Senator ABOUREZK. Do you recall the percentages?

Ms. LAWRENCE. No.

Senator ABOUREZK. That would be as particular as you can remember?

Ms. LAWRENCE. Yes. It seems that there were 43 places, or placement.

Senator ABOUREZK. In foster homes?

Ms. LAWRENCE. Yes.

Senator ABOUREZK. Do they have to be licensed by the tribe?

Ms. LAWRENCE. No, by the State welfare.

Senator ABOUREZK. Licensed by the State welfare agency.

How many of those were Indian houses and how many were non-Indian homes?

Ms. LAWRENCE. It was at least 19 non-Indian homes, the rest of them were Indian homes.

Another thing is, the requirements of the State's regulations are so strict that most of the Indian people could not get their license.

Senator ABOUREZK. How much is the license?

Ms. LAWRENCE. I'm not talking about money, about regulations. The regulations are pretty steep. Like if there is a family of five children, of the same family, are to be put in a foster home, the foster home may have four children of their own already. The State says they cannot take or have over six children in their home. Then this family, no matter how much they wanted to take all the five children to keep them together, cannot do it.

In other words, they have to separate the five children. I think that hurts the children a lot more.

Then we have the story about a 15-year-old boy.

Senator ABOUREZK. Would you like to tell that for the record?

Ms. LAWRENCE. Yes, I would.

I'll call this boy Sammy. He's 15 years old, and he has two little brothers, and Sammy was sent off to boarding school somewhere in Oregon or Idaho. I forget where it was.

Senator ABOUREZK. Was he from Rosebud?

Ms. LAWRENCE. Yes.

I have no idea who sent him off to the boarding school, or if it was his choice or anything about it. All I remember about this is that he was back for Christmas for vacation from having gone there. When I got there, when I pulled up, Sammy came out to the car, and I asked him if his parents were at home, and he said no.

I asked him if there was any adult I could talk to, and he told me no. He didn't want me to go near the house.

I had already gotten out of my vehicle and started for the door. I went up to the door and knocked on the door, and this lady came to the door. She was pretty well intoxicated, and she wasn't very happy to see me. She told me that if I was from the welfare agency or from the police department, she did not want to talk to me at all.

Senator ABOUREZK. Who was the lady?

Ms. LAWRENCE. I would rather keep her identity.

Senator ABOUREZK. I mean, was it his mother or what?

Ms. LAWRENCE. Yes, it was his mother.

And she told me then that she was having a party and she did not want to be disturbed, and if there was any more welfare workers

or police or anybody to come over, she said she would just as well send the kids with them and be done with it.

I tried to talk to her and she wouldn't listen. She ended up slamming the door in my face, so I wound up back at the car.

Sammy came up there and he told me that his mother was drunk and for me not to take offense at what all she said and that his mother was pitiful but right then she was drunk. And he wanted to know if he could talk to me.

It was pretty cold out, and I told him let's get in the car where it's warm. We got in the car and he started to talk, and he told me that he didn't want to go back to school. He wanted to stay and take care of his little brothers, and he was afraid if he went back to school, his little brothers would be taken away and that he didn't think that his brothers should leave their mother.

Before I left, he wanted to know if he could borrow a dollar so he could buy something to eat for his brothers.

He told me then that if I told anyone that his mother was drunk or anybody came over there to take the children, that he would take his little brothers and go up in the hills. He said that he knew a cave somewhere where no one would ever find them.

I talked to him and assured him that I wouldn't say anything to anyone, but that I would like to help the whole family if I could. Several times after that, I went back and I found the mother in the same condition, and when she was sober she was convinced that the whole community and the fact that all the people around her had condemned her the way she was drinking and carrying on. She didn't want to give up her children, and the children didn't want to leave her.

I worked with them and visited them several times and finally went to the probation and parole office, talked to the people there, and finally worked things out so that Sammy could stay and go to school there. So he's going to school there and he's now working part time. He's got his mother to where she's staying sober a lot more, maybe a few weeks at a time now. What she is doing now, she's taking her ADC check, when she cashes them, she lets Sammy have the family money.

He's been able to take his family to the movies a time or two since he's gotten a part-time job. I believe given a chance, he's working with his mother, and a lot more people did care about their people that are having problems; regardless of what kind of problem it is, I think these families could stay together and they wouldn't have to be separated.

I also know of six children that were taken by their paternal aunt after the children's parents were deceased. These children were taken to Tennessee, and the paternal aunt took the children. The tribal court let her have the children with the understanding that they will keep them together, but after she got them back to Tennessee, for some reason or another, she put these children in separate adoptive homes. She signed the papers for them to be adopted out, and the Rosebud Tribe is objecting to this.

They are, right now, trying to get these children back. As far as I know, they are waiting for an attorney to represent the children so they can be brought back to Rosebud Reservation.

Senator ABOUREZK. Mary Ann, do you have more of these things that you would like to tell to the committee?

Ms. LAWRENCE. Yes, if I can get my head together.

Senator ABOUREZK. There has been a rollcall vote just called. I'm going to adjourn just long enough, just 10 or 15 minutes, long enough for me to go over and vote and come back.

I will just be in there, and we will have just a short recess until that time.

So you will have a little bit of time to get your head together. You do very well; I appreciate it.

We will recess temporarily.

[A short recess was taken.]

Senator ABOURZK. We will resume the hearing now. I'm sorry.

Would you like to go ahead and finish?

Ms. LAWRENCE. Yes.

Another thing I would like to talk about is the morale problem.

There was a case where she lost her children 13 years ago. There were four children that she lost, and she fought for these children for the past several years clear up until 1970, I think it was, that she finally ended up taking her case to the State supreme court.

It started out that she was picked up for some misdemeanor, and at the time, her baby was 4 months old. She was still nursing her baby when they put her in jail. She had her baby in jail for 17 days. The Nebraska State Welfare came along and took her children and the baby that she had in jail, and they went into the country where the father of the other three children had the children, and the county sheriff went out there with a court order and picked up the other three children. She was not married to the man at the time, but the children carried his name. They couldn't get married because the father was Japanese, and Nebraska would not recognize interracial marriages. So several weeks after she lost the children, she finally married the man.

She still hadn't got the children back. She went to the State supreme court, and the judge ruled in favor of the parents. So she waited to bring the children back, got clothes for them, bunkbeds and whatever, to get their home ready to bring the children back.

Then the judge changed his mind afterwards and told her she could not have the children back because they were in the process of adoptions. The two older children are in Omaha, Children's Home Society and the other ones have been lost for good. She has never found out where her other children are.

She came to me just about a month ago and wanted to know if there was anyone anywhere that could help her get these children back.

There's another case right there in Rosebud. A girl was in the hospital, an unwed mother. The welfare workers kept after her when she was in the hospital wanting her to sign papers for adoption and she did not want to give up her baby. She came to us and wanted to know if there was any way she could keep her baby and she still didn't sign the papers.

We went to look at something that we could get for the layette so she could take her baby home. We finally got some clothes for this baby and she took the baby home.

As of last week, she told me that the welfare workers are still wanting her to sign the adoption papers.

Those kind of things still go on right on the reservation. A lot of these children have been taken.

I feel like the tribe itself should have exclusive jurisdiction over all their members, whether they are on a reservation or off the reservation.

Another thing, is like this girl was kicked out of her own family's home when she became pregnant and she didn't have any place to go so she went to the man that was responsible and he also, when she had the baby, kicked her out. So, she didn't have any other place to go and that's why the welfare told her there is no other alternative, that she would have to sign adoption papers and give up her baby.

Senator ABOUREZK. Mary Ann, at this time I'm going to move on and let Richard testify. We're now running up against the time clock and I have to preside over the Senate at 5 o'clock and we have Richard and then Esther Mays from Detroit, Mich. yet, to testify.

I want to tell you how valuable your testimony has been, and of course we want to get the statistics you gathered. We would very much like to have those.

Richard do you have a prepared statement?

Mr. LONE DOG. No; I don't. I wasn't aware of this meeting. I was coming to Washington anyway and I think it was about Thursday night we heard it on the news.

Senator ABOUREZK. About these hearings here?

Mr. LONE DOG. Yes; about these hearings here. So, we weren't able to prepare a statement.

I might give you a little breakdown. I am the director of the detention center which deals in foster children. I am the director of the day care center and also the director of Good Hope Shelter. So, this is more or less in my area so they chose me to testify here.

My testimony here will not be as the director of the center, but as a member of the Rosebud Sioux Tribe.

I think everything that I would have to comment on today has been said over and over many times here. I have a few statistics here that I have gotten from the State of South Dakota and the number of Indian children that have been put up for adoption in that State.

I'll read these numbers off to you briefly. This is a memorandum to Diane Turten, superintendent of social services, or the supervisor of social services from the regional director of Tripp County Welfare, Winner, S. Dak.

Subjects, statistics regarding foster children and adoptions, adoptions statewide:

In 1967 to 1968 a total of 111 Indian children were adopted, 46 to Indian families, 65 to non-Indian families.

In 1968 to 1969, the total of 147 children were adopted, 57 to Indian families and 80 to non-Indian families.

In 1969 to 1970 a total of 144 children; 54 to Indian families and 90 to non-Indian families.

In 1970 to 1971 a total of 183 children were adopted, 67 to Indian families, and 116 to non-Indian families.

In 1971 to 1972, a total of 159 were adopted, 53 were adopted to Indian families, 106 to non-Indian families.

In 1972 to 1973 a total of 164 were adopted, 77 to Indian families and 87 to non-Indian families.

I think those figures are self-explanatory of the situation that we're in at Rosebud, S. Dak. at the present time.

In Tripp County, there were 12 children placed in individual foster homes. Eleven are non-Indian homes and one is an Indian home.

In Tripp County 12 Indian homes are licensed and, 12 non-Indian homes are licensed and 2 Indian homes are licensed. This is in Tripp County.

In Gregory County there are four licensed foster care homes; two non-Indian foster care homes.

It says here that approximately 10 percent were placed in Indian foster homes, of all the children that were placed in foster care homes in the State.

Foster care homes, 1973, there are 762 foster homes of which, approximately 100 are Indian foster homes. There are 363 Indian children in care statewide, of which 131 were in Indian foster homes and 232 were in non-Indian homes.

Statewide a total of 1,041, of which 353 were Indian. This is the number of homes statewide.

Foster care homes, 1,041 a total of which 363 are Indian.

So, that, in a sense, is self-explanatory.

For the State, or the BIA's failure to establish Indian foster care homes on the reservation is just the lack of concern for the Indian people. The BIA welfare office is basically a place where they write checks out. There is no communication between the home and the BIA as far as child guidance, home care, counseling, medical and dental. You've got 3 people in that office that is responsible for 6,000 people and I'm using 6,000 as a minimum figure.

So, this in itself is self-explanatory. All these people can do is more or less sit back there and hope to keep up on their check writing.

There is no day-to-day accounts of families, right on down the line.

I've asked them time and time again why is this so and their comment is that we don't have the staff, we don't have the money. But, why don't you have the staff and why don't you have the money since this is one of your trust responsibilities and again they're unable to answer this question. They say it's because it's not appropriated. But, why wasn't it appropriated, or if it was, why wasn't it funded.

Then we get into the area of finances on which I could go on all day, but this again is self-explanatory.

The inability of the BIA or the Federal Government to recognize their trust responsibility, not only to recognize them but to implement them on the reservation. Subsequently, the tribe has to do this theirselves, with the moneys that they borrow or get from other agencies such as the State, LEA is one area, and right on down the line. This shouldn't have to be so.

We're talking about, basically, welfare here now, social services, which is a low priority on any reservation because the reservations are in the position now that everything is a crisis. So, when they get a dime, that dime is already spent on another priority. We can't spend that for home coordinators, that money is already spent. We've got to go up there and hassle the State and BIA to get funds to do this with. This is the position that I have been in.

I'll give you an example. The Detention Center provides the identical, same type of services as LSS and I know that not all of you are familiar with LSS, Lutheran Social Services.

We get $8.36 a day for the children that we have there in the center from the State and from the BIA. The Lutheran Social Services gets $30 a day per child for the same type of services that we supply.

We probably provide more services as far as moral services because we maintain these children there on the reservation, but this is the dilemma that we're in.

Indian foster care homes, for example, there's two elderly people that keep five of their grandchildren. They get $35 a month per child to keep these people. Lutheran Social Services gets $900 a month to keep an Indian child.

Senator ABOUREZK. How much?

Mr. LONE DOG. It's $900 a month.

Senator ABOUREZK. A month.

Mr. LONE DOG. $30 a day.

Senator ABOUREZK. Where do they get it from?

Mr. LONE DOG. From the State and BIA. We get at the Detention Center $277 a month per child, but that's not $900

So, this is the dilemma that we're in, in trying to establish Indian foster care homes on the reservations. They say, sure we'll set you up one if you can meet the State requirements and get a State license and right on down the line, but when we do meet these requirements and get all that, then like I say, we get $8.36 a day while they get $30.

And, the same way with these individuals that keep Indian children.

Getting back to this old couple that keep the five grandchildren. They get $35 a month per child, while Lutheran Social Services get $900 a month per child and then they wonder why there's isn't any Indians on foster care in the reservations. This is the reason why.

Two people that are living on old age and get $35 a month for their child when the children range from 15 on down to 9 years old and have to send them to school, and all the other expenses that go along with it. Not only that, but whenever they get, like, this new bill that was passed to increase the old-age benefits. Sure, it increased the old-age benefits, but the State also deducted that amount on their welfare for those kids.

Then, they wonder why we don't have Indian foster homes on the reservations. This is why, because No. 1, the State requirements don't fit the reservation, period.

I'm not saying they're too strict, they just don't fit the reservation period.

The other thing is educational requirements. I mean, if we're going to staff the facility, we have to have people with B.S. and Ph. D.'s, masters, right on down the line, and where are we going to get those on the reservation, especially when you pay them $2.50 an hour. Where are you going to get these types of people?

Education is fine. You can have a masters, a Ph. D. or whatever, but you're not going to be able to apply that education if you can't communicate with the child you're talking to.

These requirements don't meet our standards as far as reservations are concerned because we've got to have counselors, social workers, and

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people that can sit down and communicate with these children on their level and these don't meet State requirements.

The situation that has been talked about here, and related to time and time again, kind of sets me back and makes me look back to my childhood because this is the same situation that I lived through from the boarding school era right on up the ladder, from broken family, foster care homes, and right on up the ladder. I was fortunate, I never got adopted out, but I can't say this about a lot of orphans; as far as the tribal court, and they imply that the tribal courts were a part of this setup. I don't know if you people are familiar with tribal courts, funded through BIA, they are tribal courts, right. But, who signs the check, who pulls the strings, which tune do they dance to?

This is the question we should be asking ourselves. I'm not saying this is so now, because in the past 2 or 3 years there has been a great movement away from this, through BIA contracts right on down the line, Maybe the tribes are forced into this thing.

My opinion is they were forced into it and it's not a good thing because they are assuming some of the trust responsibilities of the U.S. Government.

Senator ABOUREZK. Richard, there's been another vote call.

You've given some very good testimony and I wish that we could continue. What I'm going to have to do now is recess until tomorrow morning. The last witness, I'll have to ask her to come back; Esther Mays, if you will come in the morning at 9 o'clock I'll take your testimony then because I have to vote and I have to preside and there's not enough time to take any more witnesses today.

I want to express my gratitude, Richard and Mary Ann and all the other witnesses that have appeared today.

We are going to try to get something done to correct the situation. Thank you very much.

The hearings are recessed until 9 a.m. tomorrow.

[Whereupon the subcommittee recessed, to reconvene Tuesday, April 9, 1974.]

INDIAN CHILD WELFARE PROGRAM

TUESDAY, APRIL 9, 1974

U.S. SENATE,
SUBCOMMITTEE ON INDIAN AFFAIRS,
OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C.

The subcommittee met at 9:10 a.m., pursuant to notice, in room 3110 Dirksen Office Building, Hon. James Abourezk presiding.

Present: Senators Abourezk and Bartlett.

Also present: Jerry T. Verkler, staff director, and Forrest Gerard, professional staff member.

Senator ABOUREZK. The Indian Affairs Subcommittee will resume the hearings now.

The first witness this morning is from Detroit, Mich., Esther Mays. Esther, do you want to come to the witness table?

I want to apologize to you for cutting you off last night. I want to express the committee's gratitude for your staying overnight.

STATEMENT OF ESTHER MAYS OF THE NATIVE AMERICAN CHILD PROTECTION COUNCIL, DETROIT, MICH.

Mrs. MAYS. Since you're handing out compliments, I'd like to compliment you on your timing. It's almost as good as ours.

My name is Esther Mays and I am from Detroit, Mich. The organization that I'm representing is called the Native American Child Protection Council. I am on the board of directors.

Pretty much of what I have to say is the usual thing that has been said from what I heard yesterday. However, I will go through the act again, so bear with me.

The Native American Child Protection Council is a nonprofit organization with present membership of approximately 50 families throughout the Michigan area. This organization was founded as a response to the needs of many Indian families, particularly as it relates to Indian children.

The problems are numerous and varied, especially in the area of child placement. Our organization is concerned with the practices and policies of various social service agencies as it affects the lives of the Native American community. Our organization is a response to the concern of many Indians throughout the State of Michigan regarding the treatment of Native American children. Through numerous inquiries to us from Indians, and various investigations of the policies and practices of social service organizations through the Indian community, we find many problems exist, such as: Indian children are being placed in non-Indian foster and adoptive homes

without regard or respect to Indian children's racial and cultural heritage.

Two, non-Indian homes generally are unable to relate to the Indian child because of a lack of adequate knowledge of the child's background. We oftentimes find the child's process of adjusting to his or her new surrounding extremely difficult.

Three, confusion, conflict exist in the Indian child's mind as he attempts to relate to the custom, tradition, values and the ways of a non-Indian world. We have found many instances where the Indian child, once he reaches the age where he can assume responsibility for himself, returning to the Indian community in search of his past.

Four, we find many adoptive and foster family parents totally unfamiliar with the Indian way of life, its family structure, values, traditions, and customs. We find that there is a definite need for these foster families to be able to understand, in their mind, and be better able to relate to the needs of the Indian child.

Our council is prepared, and has provided many services to many non-Indian foster parents and social service organizations that called us to provide this service.

Our policy in the area of child placement has been Indian homes for Indian children. We are also involved in the recruitment of these homes. We feel that the Indian home is better equipped to handle and service the need of Indian children. The Indian home nurtures the traditions and the way of life for the Indian world. This type of environment would allow the child to remain aware of his cultural heritage and identity. The Indian home is more prepared and better suited to understand and provide the emotional feeling of well being that the child requires and needs.

It is the nature of the Indian community to seek help from within its own community where this form of help is available. Many Indian families have found social service agencies unable to understand, or relate, thus thereby unable to service their needs. Our organization has performed family counseling services for families with problems. Whatever the problems have been, in any area, we have provided the needed help to keep many family units together, whenever and where.

We have provided food, clothing, transportation, furniture, whatever our resources have been, to help to keep that family together. We have also provided information, legal assistance to Indian parents who have need for this service. We have also attended court, given testimony in behalf of natural parents who are trying to find a way of keeping their children with them. We have also received many requests from parents who have lost their children through the courts and who want to regain them.

Members of our organization have traveled many miles throughout the State of Michigan to be serviceable to the many Indian families that called for our assistance. Presently, our organization is operated strictly from volunteer help from the Indian community. We have also asked help from various churches and private individuals for contributions of clothes, food, and furniture to help with carrying out our function. We are presently nonfunded.

Bernice Appleton from 3164 Linden, Dearborn, Mich., is one of the founders of this organization and I am her coworker, in a sense of a way.

The organizations that are supporting our ideals are the North American Indian Association of Detroit, the Commission of Indian Affairs in Michigan, the Great Lake Northern Stars, the Genessee Valley Indian Association.

My recommendations: The restriction of the non-Indian values be lifted and to insert Indian values for my people and our children, such as, restrictions of the Indian homes to be changed so that the Indian homes are available for Indian children; the restriction of age, because age has long been the teachers of our cultural values.

Two, change the laws that require us to be a party to the enslavement of our children and the erasers of our culture, thereby making our people become a copartner of destroying our rights as Indian parents. Keep in mind the standards that were set were made for non-Indians.

Three, in-service training for social workers to promote a better understanding of the uniqueness of my people and the involvement of my people who you can call paraprofessionals, whose input will be the bridge of understanding of our culture and the society of today.

Four, if possible an investigation of agencies who deal with the Indian adoptions and make them accountable for the methods they use for transporting Indian children across the State lines and the Canadian borders.

Your terms are called kidnaping when you use them.

Five, to be put on the mailing list for any material involving this matter.

Thank you.

Senator ABOUREZK. Esther, thank you very much. We appreciate you coming up from Detroit to give your testimony. Would you give that to the reporter?

Before I introduce the next witness, I just want to recognize in the room one of my constituents from South Dakota, Jermain Means. Jermain is from the Cheyenne Indian Reservation, S. Dak. I just want to introduce you.

Thank you.

The next speaker is Dr. Carl Hammerschlag from Phoenix, Ariz. Is he here?

How about Mr. Mike Chosa, Ms. Victoria Gokee, and Ms. Betty Jack from Milwaukee, Wis.?

STATEMENTS OF MIKE CHOSA, VICTORIA GOKEE, AND BETTY JACK, AMERICAN INDIAN CHILD DEVELOPMENT PROGRAM, MILWAUKEE, WIS.

Mr. CHOSA. Senator Abourezk, I would like to introduce the chairman of the board of directors of the American Indian Child Development Program in the State of Wisconsin, Ms. Betty Jack, a Chippewa Indian from Wisconsin.

And, immediately to my right is Ms. Victoria Gokee from the Red Cliff Reservation, who is the executive director of the organization.

Senator ABOUREZK. Which reservation?

Mr. CHOSA. The Red Cliff Reservation in Wisconsin.

Senator ABOUREZK. We'd like to welcome all of you here and thank you for coming.

Mr. CHOSA. My name is Mike Chosa. I'm the administrative assistant for the organization.

The opening statements will be given by Ms. Gokee first, and Ms. Jack and I will sum up with recommendations.

Senator ABOUREZK. I'd like to ask you, since we have a very long witness list this morning, could you summarize your statements? We will print the statement in full in the record. That would be helpful to the committee if you could do that. We have a great many people yet to hear from.

STATEMENT OF VICTORIA GOKEE, DIRECTOR, AMERICAN INDIAN CHILD PLACEMENT AND DEVELOPMENT PROGRAM

Ms. GOKEE. My name is Victoria Gokee and I am the director of the American Indian Child Placement and Development Program, Inc. I would like to give you a little background on our history and when I say "history," I'm talking about the Indian history in this country.

My great-great-grandfather was Chief Buffalo, who came from northern Wisconsin, and his father was Wahgec and his father was Whageseto. This takes my ancestry back quite a good ways.

I would like to tell you that the Indians, as far as the Indians are concerned, we went through three phases in the history of our country.

The first phase was the pre-European days, and at this time, if you can imagine our country full of hunting and fishing, it was actually a paradise. This is the way my people lived here. That's the way my grandparents lived. Then along came the Europeans and this was a difficult time for the Indians. This was the second phase. This is when we were completely demoralized.

Then the third stage that the Indians have is that we are realizing that the Constitution was made not only for you, but it was made for us, too. We're demanding equal things. We're demanding equal opportunities. We're demanding equal employment. We are demanding equal justice.

This is something that the Indians have never known in this country.

I was guilty of allowing a lot of these things to happen, even though my grandfather had told me this. I stayed home. I was a housewife. I took care of my children but until this personal thing happened to me I was content to sit at home.

What happened was, my 14-year-old daughter's name was Linda. She became sick. The psychiatrists and psychologists, the social workers, everyone assured me that this girl was a juvenile delinquent. I knew in my own heart that this girl couldn't change the kind of a girl that she was, that loved animals, cats, and loved her little brothers and sisters, to just a plain juvenile delinquent. I knew something was wrong with her.

I took her to these people and I trusted these people because I thought that they knew much more than I did.

As the result, Linda was in jail. Linda died in the streets of Bayfield. The chief of police assumed that this girl, because she was an Indian

girl, they assumed she was drunk. They did absolutely nothing to help her. They thought she was just another drunken Indian and she died after I went there to get an ambulance to take her to the hospital.

I think from that time on, I decided that never again, if I could do anything about it, would I allow these kind of people to just do this thing.

Since then, I've been chairman of our tribe in Red Cliff. I've been M.C.I. area vice president. I've been fighting, in my own way, in my own style, to prevent tragedies like this from happening again.

I was Indian affairs coordinator for the State of Wisconsin, and while I was there I conducted hearings in the State of Wisconsin and it's difficult to believe the kind of things that I have heard there.

For instance, Ronnie Winters testified at the hearing in Courte Oreilles last August that at the age of 11 years old, and he is from the Courte Oreilles Reservation, he was judged delinquent because he was a fullblooded Indian and he wanted to fish, hunt, and pick wild flowers and do the kind of things that Indians love to do, and he didn't attend school. One of the reasons he didn't attend school was because it was a racist community and he was called things like "dirty little Indian" and that kind of thing and he wanted to live his own life. He wanted to be an Indian.

He was judged delinquent and he was sent to a foster home in Sawyer County.

He went through a series of three different foster homes, all non-Indian foster homes and at the age of 12, in the homes, he was forced to do the farm labor.

The other thing was that he went to a school and this was in Ladysmith, and of course he was the only Indian boy there, so it was probably worse than the conditions back at the reservation, and he eventually, at 12 years old—a judge brought him back to the Sawyer County courthouse and they sentenced him to Waukesha—Waukesha is a boy's reformatory—at the age of 12.

Ronnie stayed there from 12 to 15, and at 15 something happened with the guard and because of this he was sentenced to the Green Bay Reformatory.

Now, I don't know if you know where Green Bay is, but as far as the Indians are concerned, we didn't even realize that there was a city of Green Bay for awhile. We always thought it was the Green Bay Prison; that's where the Bay Prison was.

I'm attending the university there. Now we're aware that there are other things in Green Bay besides the prison.

Eventually, Ronnie got out. He stayed in Green Bay for 38 months and eventually he got out and today he is working in Chicago. He's taking care of his younger brother because he said at no way, shape, or form does he want his brother to go through the things that he did.

He eventually got an education. I think he holds a B.A. degree today, but this is only one of the many, many tragedies that the Indians have suffered.

As a result of this, everything that has happened to the Indians, the Indians in the State of Wisconsin have organized a statewide Indian foster care program.

We have representatives from practically every reservation there with resolutions of support from 7 reservations out of 10. And the only reason we don't have the other three is because it's difficult to

travel throughout the State to get the supporting resolutions. We have representatives on our board sitting from every reservation.

This kind of a program receives unanimous support from the tribes because I don't believe there's a family in the State of Wisconsin that hasn't been affected someway, somehow by this kind of an organization.

I noticed yesterday that we had five psychiatrists coming up and testifying. Well, these people are probably good, but I did learn from my experience that these people don't know everything.

One of the purposes of our program is to work with the natural parents, and if not the natural parents, with the extended family. The State came in, the State of Wisconsin, they would take our children and they would never again consult with the families as to where they should go. They took them and they placed them all in non-Indian homes.

I believe in the State of Wisconsin there is roughly 600 in 1,000 Indians all situated in non-Indian homes, and there's a parallel between the non-Indian kids and the or, excuse me, the Indian kids that are in non-Indian homes in Waukesha, Green Bay, and, eventually, Waupun.

I could probably stand here and tell you all day of the terrible tragedies and injustices but I would rather let Mike Chosa and Betty Jack continue on.

Thank you very much.

Senator ABOUREZK. Thank you very much, Victoria. We appreciate your testimony.

[The prepared statement of Victoria Gokee follows:]

STATEMENT OF VICTORIA GOKEE, DIRECTOR, AMERICAN INDIAN CHILD PLACEMENT AND DEVELOPMENT PROGRAM, INC.

The American Indian Child Placement and Development Program, Inc. (hereinafter Program) was incorporated in the State of Wisconsin as a nonstock nonprofit corporation on October 31, 1973. Its real beginnings evolved from a crisis situation that occurred in early 1972. Two women from Wisconsin on a vacation visit to South Dakota's Pine Ridge Reservation obtained physical custody of a three-year-old Oglala Sioux child. The mother of the child was led to believe that a paper she signed merely granted her permission for the women to take the child on a short trip to Wisconsin. It was later discovered that the paper was actually an agreement to surrender all parental rights and to consent to the adoption of the child. The women returned to Wisconsin and subsequently refused to return the child. They offered to compensate the parents, stating further that "God has ordained" that the child have opportunities which the parents could not offer. A national Indian organization became aware of the problem and obtained the services of a Wisconsin attorney to represent the parents in getting the child back. Such effort proved successful, as one of the women observed to a newspaper reporter: "We don't want to keep her with Indians pounding at the door." Indeed, as news of the "abduction" spread throughout the Wisconsin Indian community, awareness grew that the transfer of Indian children to non-Indian homes was a fact of life right within the State of Wisconsin. (The foregoing account is largely extracted from *Indian Family Defense*, a new publication by the Association on American Indian Affairs, Inc., Winter 1974 issue, page 1.)

During 1972 the magnitude of the problem was identified, largely due to the efforts of two VISTA Volunteers working out of the Wisconsin Judicare office. Besides generating further interest in a solution by members of the Indian community, the attached statistics were gathered, at times in spite of great reluctance to divulge displayed by state and county social service agencies. (copy attached) Numerous meetings at the various reservations took place. At first the emphasis was on recruiting more Indians desirous of opening their homes to foster children. Due to the state's space requirements, many interested families had been previously denied a foster home license. No state or county agency ever promoted a concerted effort to recruit additional Indian foster parents.

By early 1973 it was fast becoming apparent that the only way to overcome the difficulty that most Indians experience in dealing with the established social services agencies was to have an all-Indian agency performing most services directly and acting as a sounding board or buffer zone in other instances. On March 16–17, 1973 at Keshena, Wisconsin a conference between representatives of the Indian community and staff of the Wisconsin Department of Health and Social Services concurred in that very conclusion. At the conference the original board of directors for the Program was elected. In October of 1973 a start-up grant was awarded by the Bush Foundation of St. Paul, Minnesota. As stated heretofore, incorporation occurred the same month. Late that month I was employed by the board as director for the Program, commencing November 1, 1973. At present Michael Chosa, Administrative Assistant and I are the only staff personnel. Since I do not possess Wisconsin's requirements for a social services director, it will be necessary to hire a case-work supervisor who has at least a masters degree in social work. Finding someone who meets this qualification plus child welfare experience and who is also an Indian has not been an easy task, even with the assistance of staff of Region V HEW Office. An Indian person who meets only the academic qualification has expressed interest in the Program. She will receive her masters degree in social work in June from the University of Minnesota at Duluth. A faculty member of that institution, a person with over ten years experience in child welfare, has offered to provide consultation to this casework supervisor. I am optimistic that the State of Wisconsin will permit this arrangement as constituting substantial compliance with the regulation. The School of Social Work of the same institution has offered to construct and administer a staff training plan. A contract to that effect is presently in the works.

In addition, I will be able to receive assistance from the faculty to enable me to complete a degree program that I am presently pursuing through the University Without Walls of the University of Wisconsin at Green Bay.

Recruitment of family counselors through the Work Incentive Program—Public Service Employment has commenced throughout the state and interviews with prospective employees will begin soon. Funding for non-WIN staff as well as other administrative expenses is being sought via contract with the Bureau of Indian Affairs. The period covered by the Bush Foundation grant expired on December 31, 1973, even though some of those monies remain and are being utilized to cover present costs.

The deadline for hiring full staff and beginning staff training is July 1, 1974. In the meanwhile, the board is quite busy formulating policy covering numerous areas, preparing not only for agency functioning but meeting the minimum requirement for licensure as a private child placing agency.

The Program's goal is an ambitious one. Everyone in the Program is aware that mistakes will be numerous. Nevertheless, I and every participant to date is convinced that because of this Program every Indian child and family in the State of Wisconsin will have a better chance to lead a productive and meaningful life.

Senator ABOUREZK. Ms. Betty Jack.

STATEMENT OF BETTY JACK, CHAIRMAN, BOARD OF DIRECTORS, AMERICAN INDIAN CHILD DEVELOPMENT PROGRAM, STATE OF WISCONSIN

Ms. JACK. My name is Betty Jack. I'm from Lac du Flambeau, Wis.

I left my reservation in 1956 and went to the city with three of my children and I lived there for awhile and I worked but it was very difficult to adjust to city life.

I stayed there from 1956 until 1957, when I finally sent my kids home to visit my husband and his father.

In the meantime, they couldn't take care of them on the reservation so they sent them back to the city to me.

In 1962, I had two of my children taken from me in Chicago and they were placed by the Evangelical Child and Welfare Society. They were taken from the State of Wisconsin and I have never seen them again.

The courts said I was unfit to take care of my children, but I had never gone to court and I never knew that they were legally adopted until a year ago.

Senator ABOUREZK. You say you have never seen them since 1962?

Ms. JACK. No.

Senator ABOUREZK. Did you ever have a court hearing or a court procedure of any kind?

Ms. JACK. No.

Senator ABOUREZK. Did you ever have a lawyer that advised you on that?

Ms. JACK. No, I never did. They never appointed me a lawyer at court or anything.

My other three children went back on the reservation with their father and then they took them away. Welfare took them away when I sent them home in 1963 and there they were transferred many times.

Senator ABOUREZK. Then what happened?

Ms. JACK. They were transferred many times to different foster homes. When I tried to go and see them, my one daughter had eight placements in 6 years because every time I'd go to visit her, they would transfer her to somewhere else so I couldn't find her.

Then my son, he's 20 now, but he had six placements in 4 years and my other daughter, she had six placements in 4 years. They kept transferring them around the State of Wisconsin so I couldn't see them. Now, I don't know where my other two children are.

I went to the State Department of Wisconsin, the State adoption agency last spring, and I inquired there and this woman told me that the kids were adopted out about a year or 12 months after they were placed, or taken from Chicago. She told me that they were legally adopted and there was nothing that I could do.

I asked if I could have my children, the one that I had, to be placed on a tribal role. She said no, if they weren't done before they were adopted that there's no way.

She said that these children belong to these people that they are adopted by. So, she said that I couldn't put them on a tribal role, but these kids are Indians and they should, at least, be on a role.

Last June, I went to court and I got custody of my young daughter. She was 16 at the time. She came to me and she told me, after she was with me for a month, she said, I don't want to stay. She said that Indians are nothing but lazy, dirty, drunks, and she had her hair bleached blonde and she said she wanted to go back. But, I wouldn't let her go back.

Finally, in February of this year, I had to give up and let her go back to the white home she was in because she was killing herself on the street with drugs and drinking.

My other daughter, Valerie, she's 18 now, she's just drinking. I would say she is an alcoholic at 18. My son is heavy into drugs. He's 20 years old now and he had to drop out of the University of Wisconsin and he couldn't make it. He couldn't fit in. And, he said the Indian group there, the Native American Indian group said he couldn't belong to the Indians and that he didn't belong to the whites anymore either. So, he just didn't want to go to school. Now, he's down in New Mexico some place. I don't know what he's doing.

But, the way these kids come back to me, I don't think—I thought about getting my other two children back but I don't think I could go

through anymore, seeing how the minds of my kids have been damaged so terribly.

Since I've been working with the State Indian foster care program, I've heard so many stories over and over again that it's just terrible what's happening to our people, not only in the State of Wisconsin but all over I hear these stories.

One girl was taken from her reservation, and welfare told her that she'd be able to keep her other four children if she went through an operation, so that she couldn't have any more babies.

So, the welfare department in Eagle River, Wis., the director there, Mr. Luvell, he drove this woman over to the State of Michigan and there she had the operation, in Michigan. And, they brought her back home and then when she got home, they took her four children away and she has never seen them again, either.

Another girl from my reservation, she had two children, three children at home and she got pregnant again and the welfare sent her to Keshena Women's Prison and there she was operated on and forced to adopt this baby out.

So, these stories are all documented by the lawyers working with our program.

I just can't stand to see this go on anymore after seeing what happened to my family. Something has to be done.

Senator ABOUREZK. Well, Betty, we're going to take steps just as soon as we can. I agree, I don't think it should go on any longer.

I appreciate your testimony, Betty.

Ms. JACK. I've gone through a rehabilitation program for my drinking and there again, I was faced—I don't know, it was terrible going through rehabilitation in the hospital, although I haven't drunk since.

There was no understanding of the Indian people. There were eight other people beside myself that were in this hospital and there we had nobody in this rehabilitation hospital to talk to about our problems and we just had ourselves.

So, the eight of them that were in there with me, they are all drinking again in the street. The counselors there just had no understanding of the Indian people and I stayed there for 90 days at the rehabilitation hospital.

During that 90 days, almost all of them left and drank; I stayed because I wanted to do something for myself. When I went to the counseling service, it was with my daughter before I let her go back to the white foster home, I went to about seven or eight different white counselors there. They just couldn't understand what we were going through, so we just quit.

Mr. CHOSA. I think I will just pick up and give you a little background of the organization and recommendations, the legislative recommendations.

The recommendations that I'm going to make today, I would say are radical changes to the present system or laws that you have enacted.

We, in the State of Wisconsin, have 18 women on the board of directors and 2 men, and all 18 of these women and the 2 men have suffered some of the same injustices, so it's a pretty strong board. They know what is happening and they know what they have to do. They will go to any means in order to get it done.

I think if we don't have some radical legislation, we're going to have some radical movements in order to solve the problems. Now is the time that Congress can move in changing this picture.

Some of the research that our organization has done in the last 2 years has indicated that over $16 million is spent yearly in the State of Wisconsin to keep our Indian children in non-Indian care.

In the State of Wisconsin, we have 780 of our Indian children that are incarcerated in correctional institutions at this time. We have 680 that are in fostercare, and we have 473 that are in adoptive placement.

Now, these statistics are only statistics that come from the Department of Social Services in the State of Wisconsin. They do not include the voluntary adoptions or placements to the various church organizations.

Projecting this figure, we come close to 40 percent of our Indian children that are away from our families, and this does not include our children that are in boarding schools.

Our agency works very closely with the State of Wisconsin Department of Social Services, and hopefully, they will grant us a license as a placement agency. However, they told us this, that once we become a private agency and we've accepted custody of a child, neither the State nor the Federal Government or the local governments have no financial responsibility.

I think this is a wrong kind of a way to approach the problem because the Federal Government has apparent responsibility with our tribes through our treaties.

I think that if a State doesn't have—or does have a responsibility and uses those means of doing away with this responsibility, it is utilizing Federal legislation for violating our treaties.

In the instance of due process, the court-appointed attorneys almost always are in a subservient position to the court. The only guarantee that a child has of Federal representation is if a private lawyer and private legal agency is brought in to defend that child.

In the case of guardians ad litum, is they are continually making decisions, supposedly on the behalf of the child without consulting with the tribal people, to ascertain whether or not those tribal rights are being violated, the apparent rights that we have with Indian people.

One of the recommendations is that some legislation be introduced to correct this situation so that guardians ad litum must concur with the tribal councils or tribal leaders for making Indian decisions for children.

I noticed yesterday that sensitivity courses were mentioned for non-Indian social workers to be supervised by the Bureau of Indian Affairs. I think, probably, first they ought to have sensitivity study courses for the Bureau of Indian Affairs.

The courses, or any kind of courses and any kinds of moneys that are appropriated for this kind of sensitivity training, should be administered by the tribe.

One of the other things that we have found is the severe readjustment problems that are evident in Indian children who have been in long-term foster care, or non-Indian homes, especially when they are subsequently exposed to a non-Indian environment. If we are to adequately ameliorate these existing cases, I believe it would be necessary to establish something like a halfway home center.

If Congress would look to appropriating moneys through the Bureau to establish such centers that would be run by the tribes or some kind of contracted Indian agency. We're talking about 600 children in this State and 700 in that State, and we're trying to get these kids back to their Indian people; it becomes very difficult.

I think you heard testimony from one of the psychiatrists yesterday, that the rehabilitation rate was a 65- or 75-percent failure in most cases. So there needs to be some kind of effort made by Congress in order to appropriate money so that our tribes and our people can work toward rehabilitating our own people.

Many of the basic problems can be reverted if many of our own initiative programs can be initiated. This program involves counseling and parental involvement, recreational programs, and youth employment with emphasis on family advocacy.

The pilot program in Milwaukee County was started, officially in January, but unofficially last October. It's a family program that involves the hard core, you might say, of children that come up through two or three generations of oppression, both on the reservation and in the urban areas; and we virtually stopped all placements in the Milwaukee County area at this point, because of this program and because of the advocacy with the parents and with the courts.

The specific legislation that I would request or recommend is: One, the Congress introduce and pass legislation that would amend the AFDC law to permit the separate tribes to receive reimbursement for foster care services as units of government.

Senator ABOUREZK. What law is that?

Mr. CHOSA. The AFDCFC, the AFDC law under social security in exchange for foster care, there are reimbursable payments to States and counties.

At the present time in the 280 States, the tribes are ineligible to receive these reimbursements.

No. 2, that the Congress introduce and pass legislation which would prevent the States and counties or private agencies from receiving reimbursements from Federal funds unless children are placed in Indian homes.

No. 3, that the Congress introduce and pass legislation which would prevent reimbursement to States, counties, and private agencies for foster care services unless plans are developed and implemented by them to begin rehabilitative work with children and natural parents, with the objective of eventual return to their natural homes.

No. 4, that the Congress introduce and pass legislation which would prevent the 280 States and counties from incarcerating juveniles without concurrence of tribal governments.

No. 5, that the Congress introduce and pass legislation preventing the placement of any Indian child in a non-Indian home or a non-Indian controlled institution, without concurrence from tribal governments.

And the last one is very important, and I think they should do very quickly. That the Congress introduce and pass legislation preventing the Bureau of Indian Affairs from making any payments to any group for the foster care or adoption of Indian children unless such care or adoption is in an Indian home.

Having here before me the negotiated contract for one State, of which you will hear testimony later on this morning, whereby the

Bureau of Indian Affairs is appropriating over $1 million a year to a State for its placement of Indian children in white homes.

Senator ABOUREZK. What State is that?

Mr. CHOSA. The State of Minnessota.

The Bureau of Indian Affairs is supposed to be the appointed agency which is looking to the interest of our people, and when it can be allowed by law to use Federal money to take and destroy our people, I don't think that's answering the question at all.

And with that, we are opened for questions.

Senator ABOUREZK. Would you have any confidence in any programs that left the States in conrol of funding for the child welfare programs?

Mr. CHOSA. If they pertain to Indians, no.

Senator ABOUREZK. How would you suggest the Indian communities and Public Law 280 States receive control of such funding?

Mr. CHOSA. I believe there are two directions now that could be looked into.

One is the establishment of a subagency, if necessary, under the present social services, or the main welfare department of the State, there would be an Indian division who will work directly with the tribes.

The other would take a lot longer and that would be going into court and suing the State or local government because in each of our constitutions and bylaws for Indian people, and I'm sure they are a part of our treaties, it states that Indian people have jurisdiction over minors, Indian tribes do.

I think that Public Law 280 is unconstitutional when it comes to tampering with the jurisdiction of our children without our consent.

[The prepared statement of Michael Chosa follows:]

STATEMENT BY MICHAEL CHOSA, ADMINISTRATIVE ASSISTANT
TO THE AMERICAN INDIAN CHILD PLACEMENT AND DEVELOPMENT
PROGRAM, INCORPORATED, 610 NORTH JACKSON STREET,
MILWAUKEE, WISCONSIN, 53202, (414) 765-0313

to

THE UNITED STATES SENATE APRIL 9, 1974

The history of the American Indian family for tens of thousands of years has been one of togetherness and unity. This tradition has all but been destroyed by the coming of the White race, with their laws, their customs, and their religions. The statistics today bear out the results of this imposition on our people. The International Court has defined GENOCIDE in a variety of ways, one being "the systematic removal of children of one race of people to the care of another race of people...." This is what exists in today's America.

The State of Wisconsin, a "280" state, now has 730 Indian children incarcerated in correctional institutions. The average cost for institutional care is $19,000 per year per child. The amount of direct service monies spent in the State of Wisconsin for keeping Indian children in non-Indian situations is $16,000,000. This figure does not represent any indirect costs such as administrative or legal services. The Association on Indian Affairs has come up with an average nation-wide figure of 25% of Indian children who are removed to non-Indian

situations. When we put together the 680 Indian children in state or county custody for foster care, the 473 Indian children in adoption, and the 780 Indian children incarcerated, plus those children placed by Catholic Social Services and Luthern Social Services (figures unavailable) we are bordering on nearly 40% of our Indian children in the State of Wisconsin in non-Indian homes or institutions.

In the instance of due process, the court-appointed attorney is almost always in a subservient position to the court. The only guarantee a child has of fair representation is if a private lawyer or legal service is brought in. In cases of Guardians-ad-litum, no decision should be made by them unless they are in concurrence with tribal governments. No statements should be elicited from youth when they are detained, unless their attorneys are present. This should include the advising of rights.

The American Indian Child Placement and Development Program, Inc. (hereinafter Program) was incorporated in the State of Wisconsin as a nonstock nonprofit corporation on October 31, 1973. Its real beginnings evolved from a crisis situation that occurred in early 1972. Two women from Wisconsin on a vacation visit to South Dakota's Pine Ridge Reservation obtained physical custody of a three-year-old Oglala Sioux child. The mother of the child was led to believe that a paper she signed

merely granted her permission for the women to take the child on a short trip to Wisconsin. It was later discovered that the paper was actually an agreement to surrender all parental rights and to consent to the adoption of the child. The women returned to Wisconsin and subsequently refused to return the child. They offered to compensate the parents, stating further that "God has ordained" that the child have opportunities which the parents could not offer. A national Indian organization became aware of the problem and obtained the services of a Wisconsin attorney to represent the parents in getting the child back. Such effort proved successful, as one of the women observed to a newspaper reporter: "We don't want to keep her with Indians pounding at the door." Indeed, as news of the "abduction" spread throughout the Wisconsin Indian community, awareness grew that the transfer of Indian children to non-Indian homes was a fact of life right within the State of Wisconsin. (The foregoing account is largely extracted from Indian Family Defense, a new publication by the Association on American Indian Affairs, Inc., Winter 1974 issue, page 1.)

During 1972 the magnitude of the problem was identified, largely due to the efforts of two VISTA Volunteers working out of the Wisconsin Judicare office. Besides generating further interest in a solution by members of the Indian community, the attached statistics were gathered,

at times in spite of great reluctance to divulge displayed by state and county social service agencies. (copy attached) Numerous meetings at the various reservations took place. At first the emphasis was on recruiting more Indians desirous of opening their homes to foster children. Due to the state's space requirements, many interested families had been previously denied a foster home license. No state or county agency ever promoted a concerted effort to recruit additional Indian foster parents.

By early 1973 it was fast becoming apparent that the only way to overcome the difficulty that most Indians experience in dealing with the established social services agencies was to have an all-Indian agency performing most services directly and acting as a sounding board or buffer zone in other instances. On March 16-17, 1973, at Keshena, Wisconsin, a conference between representatives of the Indian community and staff of the Wisconsin Department of Health and Social Services concurred in that very conclusion. At the conference the original board of directors for the Program was elected. In October of 1973 a start-up grant was awarded by the Bush Foundation of St. Paul, Minnesota. As stated heretofore,, incorporation occurred the same month.

At present we are scheduled to go into full operation as of July 1, 1974, with a staff of 10 case aides, casework supervisor, one casework

supervisor trainee, two secretaries, and two administrators. By October, we should have an additional staff of 12 professional counselors, and a caseload of 300 Indian children.

Recommendations:

If sensitivity courses are developed for non-Indian caseworkers, probation officers, etc., the courses should not be supervised by the BIA, but by tribal governments.

We have found that severe re-adjustment problems are evident in Indian children who have been in long-term foster or adoptive placement, especially when they are subsequently exposed to a total Indian environment. If we are to adequately ameliorate the existing cases, I believe it will be necessary to establish something such as half-way-home centers. The Congress should look to appropriating monies through the BIA to establish such centers. These centers could be operated by tribes or subcontracted to private Indian-controlled agencies.

Many of the placement problems can be averted if good preventive programs are initiated. This type of programming involves extensive counseling, parental involvement, recreational programs, and youth employment, with emphasis on family advocacy. In Milwaukee county, all placements have virtually come to a halt since the family

program was initiated in January. More funds need to be appropriated for these kinds of activities.

Legislative Recommendations:

1. That the Congress introduce and pass legislation that would amend the AFDCFC law to permit the several tribes to receive reimbursement for foster care services as units of government.

2. That the Congress introduce and pass legislation which would prevent states, counties, or private agencies from receiving reimbursements from Federal funds unless children are placed in Indian homes.

3. That the Congress introduce and pass legislation which would prevent reimbursements to states, counties, and private agencies for foster care services unless plans are developed and implemented by them to begin rehabilitative work with children and natural parents, with the objective of eventual return to their natural homes.

4. That the Congress introduce and pass legislation which would prevent the 280 States and counties from incarcerating juveniles without concurrence of tribal governments.

5. That the Congress introduce and pass legislation preventing the placement of any Indian child in a non-Indian home or a non-Indian controlled institution without concurrence from tribal governments.

6. That the Congress introduce and pass legislation preventing the Bureau of Indian Affairs from making any payments to any group for the foster care or adoption of Indian children unless such care or adoption is in an Indian home.

Table I
Indian Children Under Care of County Departments
in Rhinelander Region *

17	6	
0	6	
0	12	
0	0	
10	0	
0	1	
41	17	
0	1	
16	9	
3	3	
8	6	21 Counties
0	2	
1	1	
3	1	
10	1	
0	0	
0	1	
3	0	
0	0	
0	0	
0	0	
112 - Counties Indian Foster Care Cases	67 - DFS Direct Services Indian Foster Care Cases	

Total Indian Foster Care Cases within the Region	112 67 179

Table II
Indian Children Under Care of County Departments
in Milwaukee Region *

0	0	
1	0	
2	0	
0	1	
49	18	8 Counties
0	0	
0	1	
10	2	
62 - County Indian Foster Care Cases	22 - DFS Direct Services Indian Foster Care Cases	

Total Indian Foster Care Cases within the Region	62 22 84

In two regions, a total of 263 Indian children in foster care.*

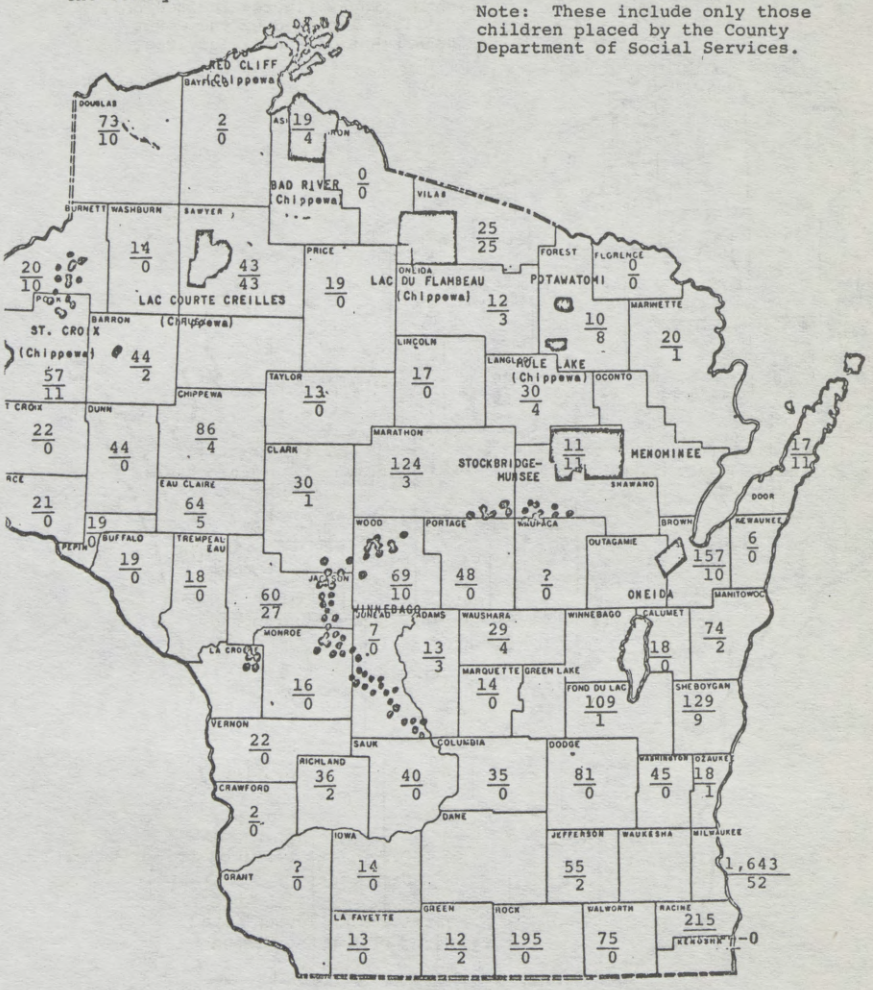
*Figures as of December 31, 1972

As of March 1973:

Top Figure - number of children in foster care placement in the county.

Bottom Figure - number of Indian children in foster care placement in the county.

Note: These include only those children placed by the County Department of Social Services.

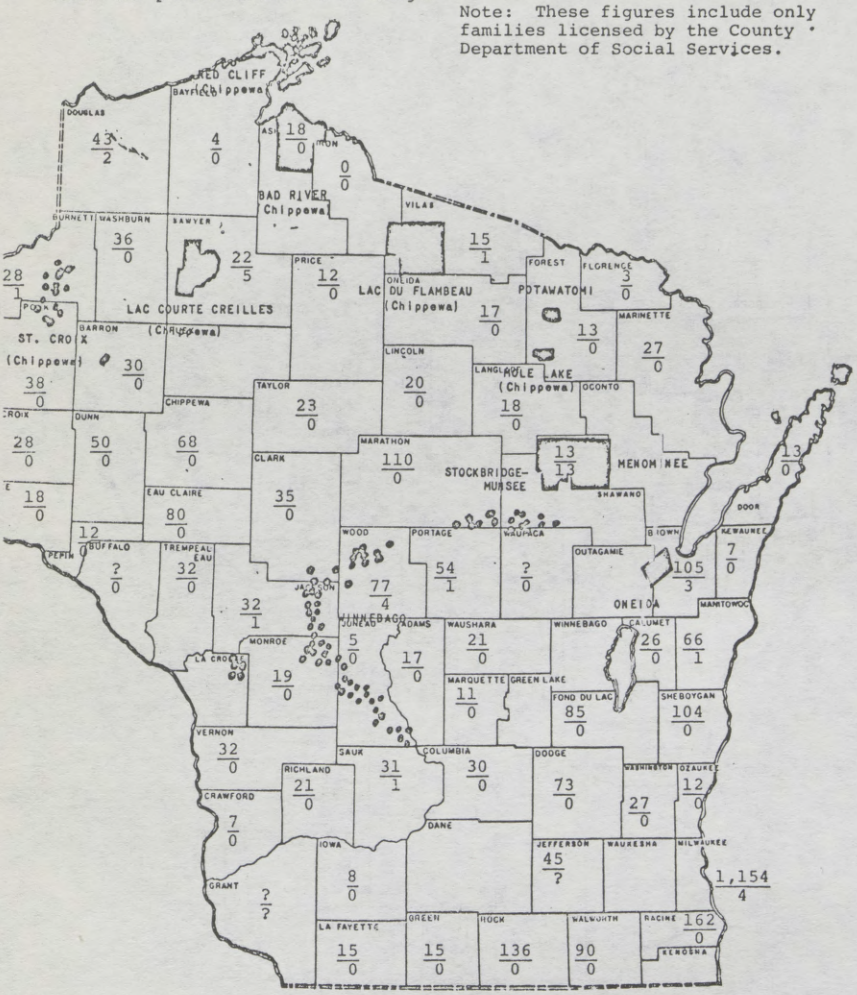


of March 1973:

Top Figure - number of licensed foster homes in the county.

Bottom Figure - number of licensed foster homes in the county having at least one parent of Indian heritage.

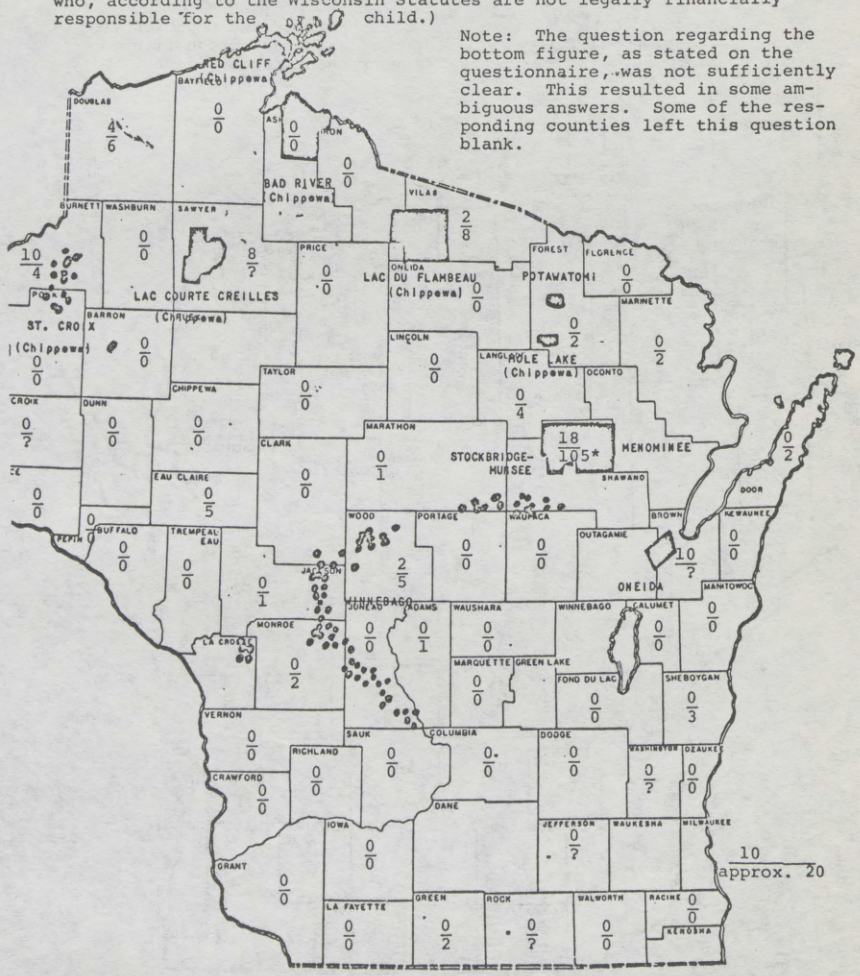
Note: These figures include only families licensed by the County Department of Social Services.



s of March 1973:

Top Figure - number of Indian foster children placed in foster homes having at least one parent of Indian heritage.
Bottom Figure - number of Indian foster children placed in the homes of "non-responsible relatives".* ("non-responsible relatives" are relatives who, according to the Wisconsin Statutes are not legally financially responsible for the child.)

Note: The question regarding the bottom figure, as stated on the questionnaire, was not sufficiently clear. This resulted in some ambiguous answers. Some of the responding counties left this question blank.



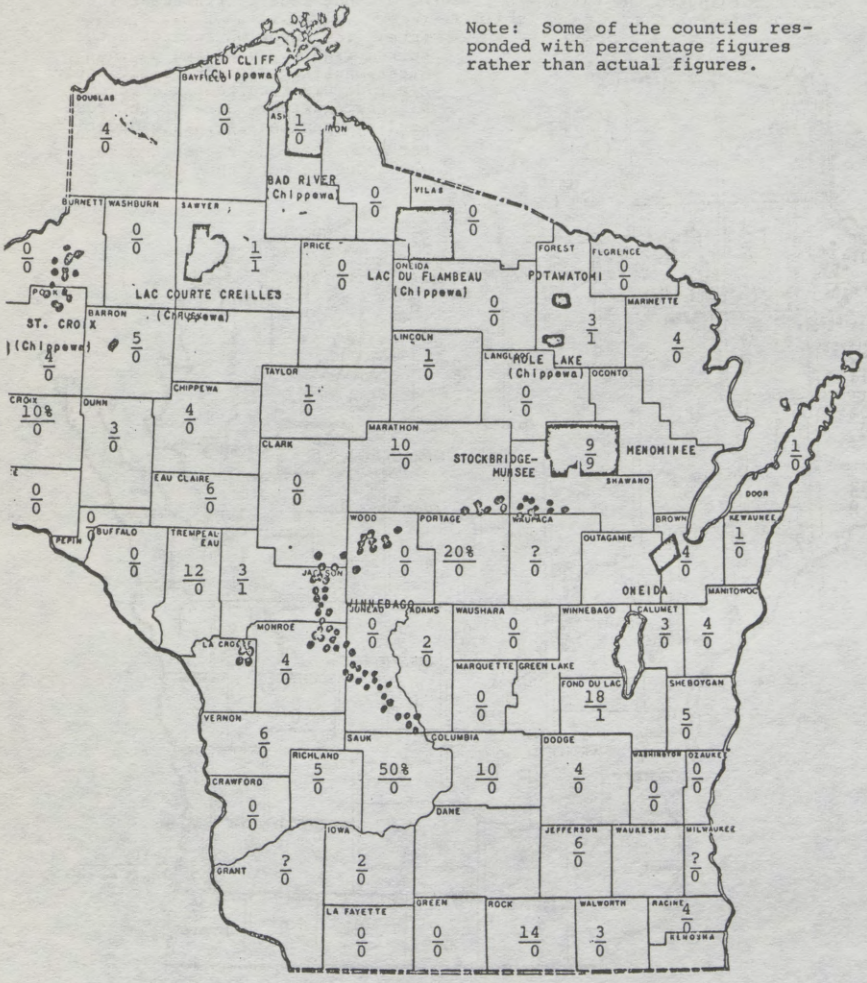
* includes all placements supervised by Menominee County.

.s of March 1973:

Top Figure - number of foster children placed due to delinquency charges.

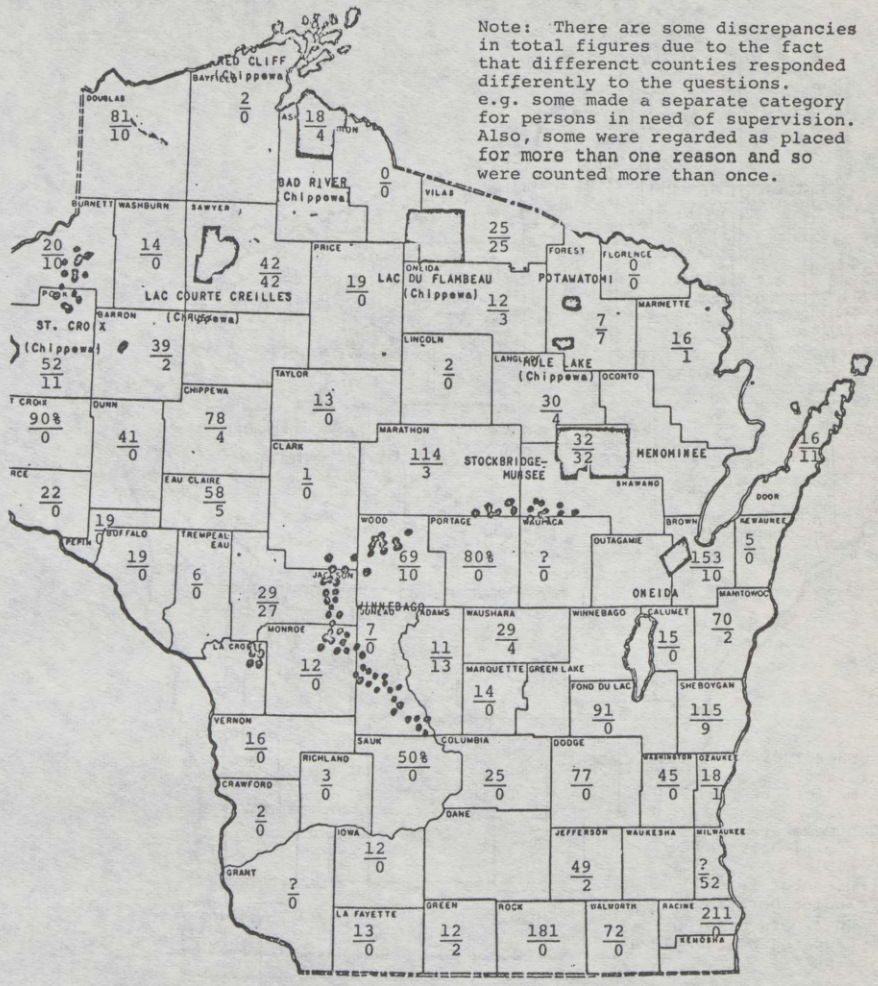
Bottom Figure - number of Indian foster children placed due to delinquency charges.

Note: Some of the counties responded with percentage figures rather than actual figures.



as of March 1973:

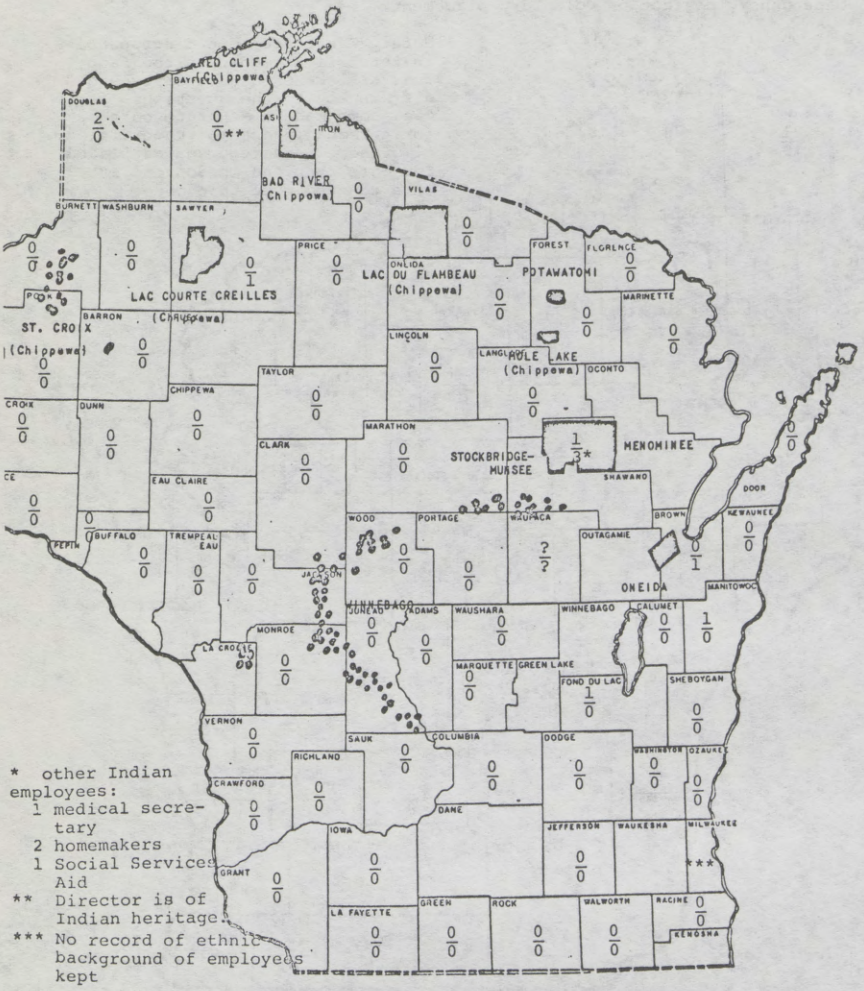
Top Figure - number of foster children placed due to either dependancy, neglect or voluntary placement.
Bottom Figure - number of Indian foster children placed due to either dependancy, neglect or voluntary placement.



Note: There are some discrepancies in total figures due to the fact that differenct counties responded differently to the questions. e.g. some made a separate category for persons in need of supervision. Also, some were regarded as placed for more than one reason and so were counted more than once.

As of March 1973:

Top Figure - number of Indian Social Workers employed by the county office.
Bottom Figure - number of Indian Case Aids employed by the county office.



* other Indian employees:
1 medical secretary
2 homemakers
1 Social Services Aid

** Director is of Indian heritage.

*** No record of ethnic background of employees kept

TABLE THREE

MILWAUKEE COUNTY CHILDREN'S COURT CENTER 1972 NEW REFERRALS BY AGE, SEX AND RACE

	CAUC.			NEGRO			INDIAN			OTHER			GRAND TOTALS		
AGE IN YEARS	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL
UNDER 1	151	152	303	34	23	57				1	2	3	186	177	363
1 THRU 6	97	56	153	68	48	116	4	5	9	4	2	6	173	111	284
7 THRU 9	51	25	76	22	19	41	1	4	5	2	2	4	76	50	126
9	47	12	59	36	9	45	2		2	1		1	86	21	107
10	61	13	74	54	23	77	2		2	2	1	3	119	37	156
11	107	22	129	84	37	121	5	2	7	1		1	197	61	258
12	177	48	225	182	91	273	4	2	6	8	2	10	371	143	514
13	342	145	487	359	167	526	7	3	10	14	10	24	722	325	1047
14	659	353	1012	466	234	700	21	10	31	37	27	64	1183	624	1807
15	1031	488	1519	620	287	907	23	9	32	45	46	91	1719	830	2549
16	1008	480	1488	574	268	842	19	11	30	44	54	98	1645	813	2458
17	901	318	1219	475	177	652	22	12	34	35	41	76	1433	548	1981
OVER 17	5		5		1	1				1		1	6	1	7
GRAND TOTALS	4637	2112	6749	2974	1384	4358	110	58	168	195	187	382	7916	3741	11657

RUS 6/29/73

TABLE FOUR - MILWAUKEE COUNTY CHILDREN'S COURT CENTER 1972 REFERRALS BY ALLEGED OFFENSE, SEX AND RACE

OFFENSE/IN NEED SUPV	CAUCASIAN			NEGRO			INDIAN			OTHER			GRAND TOTAL		
	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL
Ungovernable Behavior	510	549	1059	297	413	710	11	14	25	16	21	37	834	997	1832
Larceny except Shoplifting	542	48	590	423	51	474	8	-	8	21	3	24	994	102	1096
Auto Theft No Intent/Keep	502	25	527	335	10	345	17	1	18	18	3	21	872	39	911
Burglary Break/Entering	410	11	421	441	8	449	14	-	14	11	1	12	876	20	896
Running Away	285	386	671	59	87	146	7	6	13	19	19	38	370	498	868
Assault Except Aggravated	276	88	364	283	142	425	11	2	13	7	2	9	577	234	811
Disorderly Conduct	332	93	425	224	57	281	11	4	15	11	4	15	578	158	736
Larceny/Shoplifting	132	135	267	136	149	285	4	1	5	6	10	16	278	295	573
Truancy	114	83	197	70	36	106	5	3	8	30	28	58	219	150	369
Drug Laws Narcotic	213	52	265	40	4	44	-	1	1	13	6	19	266	63	329
Unmarried Mother-Delinq	-	107	107	-	145	145	-	4	4	-	68	68	-	324	324
Vandalism	236	8	244	52	7	59	2	1	3	6	1	7	296	17	313
Sex Offenses except Rape	68	62	130	47	30	77	-	1	1	-	-	-	115	93	208
Robbery except Purse Grab	40	12	52	112	16	128	2	-	2	1	1	2	155	29	184
Other Off. Except Traffic	65	42	107	32	32	64	1	-	1	4	4	8	102	78	180
Weapons Carry/Possess/Etc	82	5	87	63	11	74	1	-	1	2	-	2	148	16	164
Drunkenness	82	22	104	9	1	10	6	4	10	1	1	2	98	28	126
Possess/Drinking Liquor	58	12	70	9	1	10	-	2	2	4	2	6	71	17	88
Curfew Violation	47	14	61	18	5	23	1	-	1	1	1	2	67	20	87
Robbery - Purse Snatching	7	2	9	39	9	48	-	-	-	-	-	-	46	11	57
Other Off. Apply/Juveniles	31	1	32	12	2	14	-	-	-	2	-	2	45	3	48
Assault/Aggravated	3	1	4	9	6	15	-	1	1	-	-	-	12	8	20
Forcible Rape	4	-	4	9	-	9	-	-	-	-	-	-	13	-	13
Murder/Non-Negl Manslghter	5	1	6	6	1	7	-	-	-	-	-	-	11	2	13
Return to Court	6	-	6	3	-	3	-	-	-	-	-	-	9	-	9
Drug Laws Except Narcotics	2	-	2	2	-	2	-	-	-	-	-	-	4	-	4
TOTALS	4052	1759	5811	2730	1223	3953	101	45	146	173	175	348	7056	3202	10258

RUN 6/29/73

INTAKE - Juvenile Center - Race X P.D.

Race	P.D.	Mpd Detective Bureau	MPD Vice Squad	Dist. # 4	Dist. # 2	Dist. #1	Dist. # 7	Dist. # 3	Dist. #6	Dist. #5	Youth Aid Bureau	Traffic Bureau	City except UWM	UWM	Other	Total
Negro		20	29	87	20	317	546	130	7	724	61	86	99	14	419	2557
		.78	1.13	3.40	.78	12.40	21.35	5.08	.27	28.31	2.39	3.36	3.79	.55	16.39	100.00
		26.32	34.12	20.14	4.02	52.22	64.01	30.52	1.55	80.62	34.86	60.56	9.84	58.33	28.54	35.19
		.28	.41	1.22	.28	4.45	7.67	1.83	—	10.17	.86	1.2.	1.36	.20	5.88	35.19
Amer Indian		2	0	9	14	14	2	19	11	5	0	4	8	0	7	95
		2.11	.00	9.47	*14.74	*14.74	2.11	20.00	11.58	5.26	.00	4.21	8.42	.00	7.37	100.00
		2.63	.00	2.08	2.81	2.31	.23	4.46	2.44	.56	.00	2.82	.81	.00	.48	1.33
		—	.00	.13	.20	.20	—	.27	.15	—	.00	—	.11	.00	—	1.33
Cauca-sion		54	55	334	463	266	295	271	434	158	109	50	852	9	940	4288
		1.26	1.28	9.47	10.80	6.20	6.88	6.32	10.07	3.69	2.54	1.17	19.87	.21	21.92	100.00
		71.05	64.71	2.08	92.97	43.82	34.58	63.62	95.79	17.59	62.29	35.21	86.41	37.50	64.03	60.22
		176	.77	.13	6.50	3.74	4.14	3.81	6.07	2.22	1.53	.50	11.96	.13	13.20	60.22
Other		0	1	2	1	10	10	6	1	11	5	2	29	1	102	181
		.00	.55	1.10	.55	5.22	5.52	3.31	.55	6.08	2.76	1.10	16.02	.55	56.35	100.00
		.00	1.18	.46	.20	1.65	1.17	1.41	.22	1.22	2.86	1.41	2.94	4.17	6.95	2.54
		.00	—	—	—	.14	.14	—	—	.15	—	—	.41	—	1.43	2.54
Total		76	85	432	498	607	853	426	451	898	175	142	986	24	1468	7121
		1.07	1.19	6.07	6.99	8.52	11.98	5.98	6.33	12.61	2.46	1.99	13.85	.34	20.62	100.00
		100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
		1.07	1.19	6.07	6.99	8.52	11.98	5.98	6.33	12.61	2.46	1.99	13.85	.34	20.62	100.00

#
% Row
% Column
% Plane

Senator ABOUREZK. I want to thank all three of you for your excellent testimony. I appreciate very much the fact that you came here to testify. Thank you.

[Subsequent to the hearing the following information was submitted:]

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
MINNEAPOLIS AREA OFFICE
831 SECOND AVENUE SOUTH
MINNEAPOLIS, MINNESOTA 55402

IN REPLY REFER TO:
Social Services
4F50-25

MAR 20 1974

Mrs. Norby Blake, Coordinator
Family Health Program
Lutheran Deaconess Hospital
1305 East 24th Street
Minneapolis, Minnesota 55404

Re: Proposal #4F50-25

Dear Mrs. Blake:

Thank you for the proposal which you submitted on March 8, 1974 requesting funding to provide foster home and child placement services in Minnesota. We have assigned number 4F50-25 to your proposal for recording purposes.

We have read the proposal and the Family Health Program Summary and appreciate the work which you are doing and propose to accomplish if adequate funding can be secured. Because your proposal is very similar to one submitted by the Minnesota Chippewa Tribe it is not appropriate for us to give further consideration to contracting for your services. If it is found that we can legally contract for these services, with an agency other then the Minnesota Welfare Department, our preference would be to work with the reservation based agency of the Minnesota Chippewa Tribe.

We appreciate your interest in improving the Indian Foster Care Program and wish success to the Family Health Plan.

Sincerely yours,

Raymond P. Lightfoot
Area Director

B I A Proposal

Because Family Health provides services to Indian people living on reservations in Minnesota, and because of the need to increase those services to effectively serve the Indian people, Family Health is requesting the Bureau of Indian Affairs to fund two staff positions; plus travel costs:

1. Two full-time Case Manager positions to provide services to Indians living on the reservations, and to those migrating between the reservation and the Twin Cities.

2. One full-time staff person to recruit and work with Indian foster homes for Indian children, including on the reservations.

In the four years of Family Health's existence, the program has worked consistently with Indian people living on the reservations. As Family Health has expanded its scope, we feel it is necessary now to expand further, and to be funded for services that we have been providing to Indian people living on reservations, and to those who are migrating between the Twin Cities and the reservations.

There are three categories of Indian people from the reservations with whom Family Health works:

1) Many Indian people have required services which are not available on the reservations, and Family Health has been requested by the families or various agencies to provide these services for the people.

2) Because of the mobility of Indian people between their reservations and town, many of the same people we serve in the Minneapolis area also become involved in welfare and court and corrections situations in northern Minnesota counties adjacent to the reservations. Frequently we need to send case managers, psychological consultants, and our attorney to represent our people in the counties.

3) Family Health works frequently with Indian people who leave the reservations and come to Minneapolis to live. Indian people encounter many difficulties when they settle in the city, in the areas of health, law and justice, housing, income and employment.

We provided services for approximately 100 children and adults in 1973 who lived on the reservation or were migrating between the reservation and the city. Services which we provided are described in detail on the enclosed Description of the Family Health Program. They include counseling, legal services, medical and dental care, psychological testing and evaluations, foster care placements, and transportations to and from the reservation when necessary. In addition, we found housing, furniture, food, clothing, and other emergency services for people arriving in town from the reservation.

Because of the demand on Family Health to provide the services which the Indian people need, Family Health requires additional staff. We are unable to provide all of the services we are being requested to provide, for Indian people on the reservation. Because Family Health is providing this service to the Indian people, The Bureau of Indian

Affairs is pledged to provide services to reservation Indians, and therefore we are requesting the BIA to provide funding to Family Health for additional staff, plus travel costs and the use of a GSA vehicle. We need two additional full-time case managers whose primary responsibility is to work with Indian people living on the reservation.

Family Health has also been involved in recruiting and working with Indian foster homes for Indian children. In Minnesota, the rate of foster home placement of Indian children is four and one-half times greater than that of non-Indian children. Indian children have traditionally been placed in White foster homes, and great confusion and disorientation to the child has frequently been the result. The Family Health Program believes that Indian children must be placed in Indian homes. We are the only program in Minnesota attempting to obtain Indian foster homes, and we have received a very positive response from the Indian community. We have currently recruited 50 Indian foster homes in the Twin Cities. Besides recruiting homes and assisting in licensing them, we provide additional services needed by the child and the foster parents, supervise the care of the child, and of the foster home, work with the parents or other responsible relatives to enable the child to return home as soon as possible, and provide review of the placement to determine if any continuing services are necessary.

These functions should be expanded to a statewide basis because of the need for additional Indian foster homes for the large number of

Indian children who require foster care. It is necessary to establish additional homes on the reservations so that Indian foster children can remain within their own community. We currently have only one person working approximately one-half time with foster care, and there is not sufficient staff time to expand operations to a statewide basis, as is so sorely needed. We feel that the problems relating to foster care can most effectively be solved by an Indian agency providing placement. We feel that Family Health is the right agency to provide this function. We have the trust and respect of the Indian community and have worked effectively in the foster home field field in Minneapolis. We are requesting the Bureau of Indian Affairs to fund one full-time staff position to recruit and work with Indian foster homes on a statewide basis, with emphasis on obtaining foster homes on the reservation.

Family Health has a high degree of creditability with the Indian people on the reservations in Minnesota, and has demonstrated its ability to work in the Indian community, both on and off the reservations. We have been requested by Minnesota reservations to assist in development and planning of Indian-run services on the reservations on a number of occasions, so that Indian people on the reservations can provide services to their own people. Social and psychological services, and foster and group homes are among the services which must be provided on the reservations. This past month, Indian people living on the Cass Lake Reservation requested our assistance in developing an Indian-run service agency on the

reservation, modeled after the Family Health Program. Several of our staff went to the Cass Lake Reservation to assist and consult with them. Nett Lake has made a similar request to us, and we shall provide the same service to them.

Because the BIA is pledged to provide services to Indian people living on the reservations, and because Family Health provides services to so many people on the reservations, we are requesting the Bureau of Indian Affairs to fund three positions: two Case Manager positions to provide services to Indian people living on the reservations and to those migrating between town and the reservations, and one Foster Care Worker position to work for the development of Indian foster homes for Indian children on a state-wide basis. We are also requesting travel funds and the use of a GSA vehicle for traveling to the reservations.

BUDGET

Staff

2 Senior Case Managers, 100% Annual $9,000	$18,000
1 Senior Foster Care Manager, 100% Annual $9,000	9,000
Fringe benefits for 3 full-time equivalents, each $1,010 annual	3,030
Travel for 3 positions $80 per month/worker	2,880
TOTAL	$32,910

Plus one GSA vehicle for use in traveling to the reservations.

Form 5-4306
July 1964

1972-1973 contract

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

JOM FUNDS

NEGOTIATED CONTRACT

CONTRACT NO. [illegible]
DATE OF CONTRACT [illegible]

NAME AND ADDRESS OF CONTRACTOR
State of Minnesota
Department of Public Welfare
Centennial Office Building
St. Paul, MN 55101

Check appropriate boxes:
☐ INDIVIDUAL ☐ PARTNERSHIP
☐ JOINT VENTURE ☒ State of Minnesota
☐ CORPORATION, incorporated in State of [illegible]
BIDDER REPRESENTS: (1) That he ☐ is, ☐ is not a small business concern.
(For definition of Small Business see reverse side.)

OFFICE OR AGENCY Department of the Interior, Bureau of Indian Affairs
Minneapolis Area Office, 831 Second Avenue South, Minneapolis, MN 55402

CONTRACT FOR
Foster Care of Indian Children in the State of Minnesota for Fiscal Year 1973

PLACE
State of Minnesota

AMOUNT OF CONTRACT $260,000.00 based on page 4, paragraph 4, of the Bureau of Indian Affairs Social Services Program

ADMINISTRATIVE DATA
This contract is authorized under 25 U.S.C. 13 and negotiated persuant to 25 U.S.C. 47 and 41 U.S.C. 252(c) (9) 20 BIAM 3.5 C(2) (c)

Appropriation: 3F50-01-1770-1011 (Subject to funds being appropriated by Congress)

THIS CONTRACT, entered into this date by The United States of America, hereinafter called the Government, represented by the Contracting Officer executing this contract, and the individual, partnership, joint venture, corporation or State entity named above, hereinafter called the Contractor, witnesseth that the parties hereto do mutually agree as follows:

In consideration of the amount stated herein, the Contractor shall perform the above-described work in strict accordance with the attached documents all of which are made a part hereof and designated as follows:

General Provisions, Form 5-1254	- 9 Pages
Special Provisions	- 5 Pages
Attachments A,B,C	- 3 Pages

IN WITNESS whereof the parties hereto have executed this contract as of the date entered on the first page hereof.

THE UNITED STATES OF AMERICA	CONTRACTOR
By (Contracting Officer)	State of Minnesota (Name of Contractor)
Area Director	By [signature] (Signature)
Minneapolis Area Office	Commissioner of Public Welfare
Minneapolis, MN 55402 (Name and Location of Office)	(Title)

GENERAL PROVISIONS

NEGOTIATED CONTRACT

1. COVENANT AGAINST CONTINGENT FEES: The Contractor warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Contractor for the purpose of securing business. For breach or violation of this warranty the Government shall have the right to annul this contract without liability or in its discretion to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

2. OFFICIALS NOT TO BENEFIT: No member of Congress or resident Commissioner shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

3. EXAMINATION OF RECORDS: (a) The Contractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of 3 years after final payment under this contract or such lesser time specified in either Appendix M of the Armed Services Procurement Regulation or the Federal Procurement Regulations Part 1-20, as appropriate, have access to and the right to examine any directly pertinent books, documents, papers, and records of the Contractor involving transactions related to this contract.

(b) The Contractor further agrees to include in all his subcontracts hereunder a provision to the effect that the subcontractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of 3 years after final payment under the subcontract or such lesser time specified in either Appendix M of the Armed Services Procurements Regulations or the Federal Procurement Regulations Part 1-20, as appropriate, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor, involving transactions related to the subcontract. The terms "subcontract" as used in this clause excludes (1) purchase orders not exceeding $2,500. and (2) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

(c) The periods of access and examination described in (b) and (c) above, for the records which relate to (1) appeals under the "Disputes" clause of this contract, (2) litigation or the settlement of claims arising out of the performance of this contract, or (3) costs and expenses of this contract as to which exception has been taken by the Comptroller General or any of his duly authorized representatives, shall continue until such appeals, litigation, claims, or exceptions have been disposed of.

4. EQUAL OPPORTUNITY: (The following clause is applicable unless this contract is exempt under the rules, regulations, and relevant orders of the Secretary of Labor (41 CFR, ch. 60).

During the performance of this contract, the Contractor agrees as follows:

(a) The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this Equal Opportunity clause.

(b) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

(c) The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency Contracting Officer, advising the labor union or workers' representative of the Contractor's commitments under this Equal Opportunity clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) The Contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(e) The Contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(f) In the event of the Contractor's noncompliance with the Equal Opportunity clause of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended, in whole

or in part, and the Contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or ny rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(g) The Contractor will include the provisions of paragraphs (a) through (g) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vender. The Contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, That in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

5. REPRESENTATION: The offeror represents that he [✓] has, [ ] has not, participated in a previous contract or subcontract subject to either the Equal Opportunity Clause herein; that he [✓] has, [ ] has not, filed all required compliance reports; and that representations indicating submission of required compliance reports, signed by proposed subcontractors, will be obtained prior to subcontract awards. (The above representation need not be submitted in connection with contracts or subcontracts which are exempt from the clause.)

6. DISPUTES: (a) Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Contractor. The decision of the Contracting Officer shall be final and conclusive unless, within 30 days from the date of receipt of such copy, the Contractor mails or otherwise furnishes to the Contracting Officer a written appeal addressed to the Secretary. The decision of the Secretary or his duly authorized representative for the determination of such appeals shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this clause, the Contractor shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the Contractor shall proceed diligently with the performance of the contract and in accordance with the Contracting

Officer's decision.

(b) This "Disputes" clause does not preclude consideration of law questions in connection with decisions provided for in paragraph (a) above: Provided, That nothing in this contract shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

7. TERMINATION FOR DEFAULT - DAMAGES FOR DELAY - TIME EXTENSIONS:

(a) If the Contractor refuses or fails to prosecute the work or any separable part thereof, with such diligence as will insure its completion within the time specified in this contract, or any extension thereof, or fails to complete said work within such time, the Government may, by written notice to the Contractor, terminate his right to proceed with the work or such part of the work as to which there has been a delay. In such event the Government may take over the work and prosecute the same to completion, by contract or otherwise, and may take possession of and utilize in completing the work such materials, appliances, and plant as may be on the site of the work and necessary therefor. Whether or not the Contractor's right to proceed with the work is terminated, he and his sureties shall be liable for any damage to the Government resulting from his refusal or failure to complete the work within the specified time.

(b) If fixed and agreed liquidated damages are provided in the contract and if the Government so terminates the Contractor's right to proceed, the resulting damage will consist of such liquidated damages until such reasonable time as may be required for final completion of the work together with any increased costs occasioned the Government in completing the work.

(c) If fixed and agreed liquidated damages are provided in the contract and if the Government does not so terminate the Contractor's right to proceed, the resulting damage will consist of such liquidated damages until the work is completed and accepted.

(d) The Contractor's right to proceed shall not be so terminated nor the Contractor charged with resulting damage if:

(1) The delay in the completion of the work arises from unforeseeable causes beyond the control and without the fault of negligence of the Contractor, including but not restricted to, acts of God, acts of the public enemy, acts of the Government in either its sovereign or contractual capacity, acts of another contractor in the performance of a contract with the Government, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, unusually severe weather, or delays of subcontractors or suppliers arising from unforeseeable causes beyond the control and without the fault or negligence of both the Contractor and such subcontractors or suppliers; and

(2) The Contractor, within 10 days from the beginning of any such delay (unless the Contracting Officer grants a further period of time before the date of final payment under the contract), notifies the Contracting Officer in writing of the causes of delay.

The Contracting Officer shall ascertain the facts and the extent of the delay and extend the time for completing the work when, in his judgment, the findings of fact justify such an extension, and his findings of fact shall be final and conclusive on the parties, subject only to appeal as provided in Clause 6 of these General Provisions.

(e) If, after notice of termination of the Contractor's right to proceed under the provisions of this clause, it is determined for any reason that the Contractor was not in default under the provisions of this clause, or that the delay was excusable under the provisions of this clause, the rights and obligations of the parties shall, if the contract contains a clause providing for termination for convenience of the Government, be the same as if the notice of termination had been issued pursuant to such clause. If, in the foregoing circumstances, this contract does not contain a clause providing for termination for convenience of the Government, the contract shall be equitably adjusted to compensate for such termination and the contract modified accordingly; failure to agree to any such adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(f) The rights and remedies of the Government provided in this clause are in addition to any other rights and remedies provided by law or under this contract.

(g) As used in Paragraph (d)(1) of this clause, the term 'Subcontractors or Suppliers' means Subcontractors or Suppliers at any tier.

A. ASSIGNMENT OF CLAIMS: (a) Pursuant to the provisions of the Assignment of Claims Act of 1940, as amended (31 U.S.C. 203, 41 U.S.C. 15), if this contract provides for payments aggregating $1,000. or more, claims for moneys due or to become due the Contractor from the Government under this contract may be assigned to a bank, trust company, or other financing institution, including any Federal lending agency, and may thereafter be further assigned and reassigned to any such institution. Any such assignment or reassignment shall cover all amounts payable under this contract and not already paid, and shall not be made to more than one party, except that any such assignment or reassignment may be made to one party as agent or trustee for two or more parties participating in such financing. Unless otherwise provided in this contract, payments to an assignee of any moneys due or to become due under this contract shall not, to the extent provided in said Act, as amended, be subject to reduction or setoff. (The preceding sentence applies only if this contract is made in time of war or national emergency as defined in said Act and is with the Department of Defense, the General Services Administration, the Atomic Energy Commission, the National Aeronautics and Space Administration, the Federal Aviation Agency, or any other department or agency of the United States designated by the President pursuant to Clause of the proviso of section 1 of the Assignment of Claims Act of 1940, as amended by the Act of May 15, 1951, 65 Stat. 41.)

(b) In no event shall copies of this contract or any plans, specifications, or other similar documents relating to work under this contract, if marked "Top Secret," "Secret," or "Confidential," be furnished to any assignee of any claim arising under this contract or to any other person not entitled to receive the same. However, a copy of any part or all of this contract so marked may be furnished, or any information contained therein may be disclosed, to such assignee upon the prior written authorization of the Contracting Officer.

9. CONVICT LABOR: In connection with the performance of work under this contract, the Contractor agrees not to employ any person undergoing sentence of imprisonment at hard labor.

10. CIVIL RIGHTS ACT OF 1964 CLAUSE: The Equal Opportunity clause of this contract applies except where it conflicts with Sections 701(b) (1) and 703(i) of Title VII of the Civil Rights Act of 1964, 78 Stat. 253-257 42 U.S.C. 2000e, which pertains to Indian tribes as employers and to preferential treatment in employment given to Indians residing on or near a reservation.

11. TERMINATION FOR CONVENIENCE OF THE GOVERNMENT: The Contracting Officer by written notice, may terminate this contract, in whole or in part, when it is in the interest of the Government. If this contract is terminated, the contractor shall be compensated in accordance with Part 1-8 of the Federal Procurement Regulations (41 CFR 1-8) in effect on this contract's date.

12. FEDERAL, STATE, AND LOCAL TAXES: (a) Except as may be otherwise provided in this contract, the contract price includes all applicable Federal, State, and local taxes and duties.

(b) Nevertheless, with respect to any Federal excise tax or duty on the transactions or property covered by this contract, if a statute, court decision, written ruling, or regulation takes effect after the contract date, and--

(1) Results in the Contractor being required to pay or bear the burden of any such Federal excise tax or duty or increase in the rate thereof which would not otherwise have been payable on such transactions or property, the contract price shall be increased by the amount of such tax or duty or rate increase: Provided, That the Contractor is requested by the Contracting Officer, warrants in writing that no amount for such newly imposed Federal excise tax or duty or rate increase was included in the contract price as a contingency reserve or otherwise; or

(2) Results in the Contractor not being required to pay or bear the burden of, or in his obtaining a refund or drawback of, any such Federal excise tax or duty which would otherwise have been payable on such transactions or property of which was the basis of an increase in the contract price, the contract price shall be decreased by the amount of the relief, refund, or drawback, or that amount shall be paid to the Government, as directed by the Contracting Officer. The contract price shall be similarly decreased if the Contractor, through his fault or negligence or his failure to follow instructions of the Contracting Officer, is required to pay or bear the burden of, or does not obtain a refund or drawback of, any such Federal excise tax or duty.

12. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT-OVERTIME COMPENSATION: This contract, to the extent that it is of a character specified in the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333) is subject to the following provisions and to all other applicable provisions and exceptions of such Act and the regulations of the Secretary of Labor thereunder.

"This contract is subject to the Contract Work Hours and Safety Standards Act and to the applicable rules, regulations and interpretations of the Secretary of Labor."

(a) Overtime requirements. No Contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any laborer or mechanic in any workweek in which he is employed on such work to work in excess of eight hours in any calendar day or in excess of forty hours in such workweek on work subject to the provisions of the Contract Work Hours and Safety Standards Act unless such laborer or mechanic receives compensation at a rate not less than one and one-half times his basic rate of pay for all such hours worked in excess of eight hours in any calendar day or in excess of forty hours in such workweek, whichever is the greater number of overtime hours.

(b) Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the provisions of paragraph (a), the Contractor and any subcontractor responsible therefor shall be liable to any affected employee for his unpaid wages. In addition, such Contractor and subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic employed in violation of the provisions of paragraph (a) in the sum of $10 for each calendar day on which such employee was required or permitted to be employed on such work in excess of eight hours or in excess of his standard workweek of forty hours without payment of the overtime wages required by paragraph (a)

(c) Withholding for unpaid wages and liquidated damages. The Contracting Officer may withhold from the Government Prime Contractor, from any moneys payable on account of work performed by the Contractor or subcontractor, such sums as may administratively be determined to be necessary to satisfy any liabilities of such Contractor or subcontractor for unpaid wages and liquidated damages as provided in the provisions of paragraph (b).

(d) Subcontracts. The Contractor shall insert paragraphs (a) through (d) of this clause in all subcontracts, and shall require their inclusion in all subcontracts of any tier.

(e) Records. The Contractor shall maintain payroll records containing the information specified in 29 CFR 516.2(a). Such records shall be preserved for three years from the completion of the contract.

14. GOVERNMENT INSPECTORS: The work will be conducted under the general direction of the Contracting Officer and is subject to inspection by his designated inspectors to insure strict compliance with the terms of the contract. No inspector is authorized to change any provisions of the contract without written authorization of the Contracting Officer, nor shall the presence or absence of an inspector relieve the Contractor from any requirements of the contract.

15. SUPERVISION BY THE CONTRACTOR: The Contractor shall arrange for satisfactory supervision of the work or services to be performed under this contract. The Contractor or his designated representative shall be available at reasonable times when the work or services are being performed for the consultation with the Contracting Officer or his representative.

16. PREFERENCE TO LOCAL RESIDENTS: Preference in employment for all work to be performed under this contract, including subcontracts thereunder, shall be given to local residents subject to the provisions of Clause 4, EQUAL OPPORTUNITY.

Form 5-1252 SPECIAL PROVISIONS

BUREAU OF INDIAN AFFAIRS SOCIAL SERVICES PROGRAM
FOSTER CARE OF INDIAN CHILDREN
IN THE STATE OF MINNESOTA

1. Definitions. (a) The term "Contracting Officer" as used in this contract refers to the Official of the Bureau of Indian Affairs, who executes this contract on behalf of the United States of America or any person authorized to act for him in his official capacity or his successor.

(b) The term "Designated representative of the Contracting Officer" when used by the Contracting Officer during the performance of this contract means those persons designated by the Contracting Officer to perform certain specified functions required by the terms of the contract and the general provisions.

(c) The term "eligible Indian children" whenever used herein is defined as follows:

(1) Children in foster care, who were eligible under the terms of the previous year's contract.

(2) Indian children accepted for foster care on or after the current fiscal year, whose families on date of acceptance reside on tax exempt property held in trust for Indians by the Federal Government and whose families reside on other tax exempt lands for Indian use under the jurisdiction of the Federal Government.

(3) Children from the Red Lake Reservation, when there is mutual agreement between the Commissioner of Public Welfare and the Area Director, the designated representative of the Contracting Officer, that foster care placement can be arranged outside the boundaries of the reservation without the necessity of invoking the jurisdiction of the Juvenile Court of Beltrami County.

(4) Indian children to be eligible under this contract must have one-fourth or more Indian blood and be under twenty-one years of age.

(5) Indian children residing in Minnesota who are eligible to receive Aid to Families with Dependent Children are not eligible under this contract.

(6) The child of a non-Indian father shall not be considered eligible under this contract unless by Minnesota Law or court order the Indian mother had legal responsibility for and custody of the child prior to placement in foster care.

(d) The term "Welfare Department" as used in this contract means the State Department of Public Welfare; also referred to herein as the Contractor.

(e) The term "foster care" as used in this contract shall include board, room, incidental costs, clothing, and medical care when such medical care is not readily available through other resources, including Medical Assistance (Title XIX of the Social Security Act of 1966), the U. S. Public Health Service facilities and the U. S. Public Health Service contracts with the Department of Public Welfare.

2. The Contractor agrees: (a) That the Minnesota County Welfare Departments shall accept for foster care, and shall determine eligibility of, Indian children in accordance with subparagraphs (2), (3), (4), (5), and (6) of paragraph 1 (c) above.

(b) To provide for the foster care of eligible Indian children in the State of Minnesota in accordance with the provisions and specifications of the services cited herein.

(c) That the determination of need for foster care shall be based on the same criteria as those applied to any other citizens in the State of Minnesota. It is understood that consideration shall be given to all legal entitlements that may be available to the child.

(d) To provide support from State funds for Indian children included under this agreement who are wards of the Commissioner of Public Welfare in the same manner and to the same extent as is provided for non-Indian wards of the Commissioner of Public Welfare.

(e) That the standards for foster care facilities and for child placement activities shall be the same as those established by the Department of Public Welfare for dependent and neglected children who are wards of the Commissioner of Public Welfare and for children under care of private agencies licensed by the Department of Public Welfare, and shall not be less than those standards maintained by the State for other clients requiring similar aid, care, and services.

(f) To furnish a plan of operation, titled Minnesota Annual Plan for Foster Care of Indian Children which is incorporated in and becomes a part of this contract. This plan shall describe the services and assistance to be rendered under the terms of the contract. It shall include a budget showing the plan of expenditure of the funds to be turned over to the Department of Public Welfare; the standards and policies established by the Department of Public Welfare for foster care and child-placing activities; the plan for review and supervision of county welfare departments' operations to determine initial and continuing eligibility and adherence to State policies and standards.

(g) To furnish the Minneapolis Area Office after the close of each quarter a detailed financial statement showing all expenditures made pursuant to this contract; and to submit after the close of the fiscal year a report of services rendered.

(h) That, in accordance with 25 C.F.R., the personnel employed for welfare services to Indians under this contract shall be subject to the State merit system or systems and to the approval of the Welfare authorities of the State.

3. Eligibility. The Bureau of Indian Affairs will certify eligibility of individual children for services under this contract and will transmit such certification to the Welfare Department. It is understood that the Welfare Department may negotiate with the Bureau of Indian Affairs for the inclusion of the other Indians under the contract by requesting an investigation of their eligibility, and if they are found eligible, the Bureau of Indian Affairs will certify their names as eligible.

4. Payments. (a) For carrying out the program agreed upon, payment will be made to the contractor up to the maximum of Two Hundred Sixty Thousand Dollars ($260,000); payment to be made quarterly, in advance, in an amount to cover the estimated foster care cost for Indian children certified eligible in that quarter by the Minnesota Department of Public Welfare and an amount equivalent to ten per cent (10%) of the foster care payments for administrative costs and an additional amount of Eight Thousand Dollars ($8,000) to be advanced in the first quarter to pay all or any part of the salary of a person or persons who will be primarily responsible for administration and services under this contract. An additional amount of Five Thousand Dollars ($5,000) shall be advanced in the first quarter to help offset all or any part of the increased cost to Beltrami County of providing Child Welfare services through their Red Lake sub-office.

(b) Any funds remaining after payments in the first, second, and third quarters and after obligations based on estimates of costs for the fourth quarter will be available to the Bureau of Indian Affairs during the fourth quarter to meet needs elsewhere.

5. Inspection of Program. The Contractor shall make available to the Contracting Officer or his designated representatives State and County records relating to Indian children covered by this contract as may be necessary to enable them to conduct inspections of the program.

6. Contract Term - Termination - Renewal - Modification. This contract shall be for a term beginning July 1, 1972, and ending on June 30, 1973, subject to termination at any time upon sixty (60) days' written notice given by either party to the other. Unless so terminated, the contract may be renewed annually by the Contracting Officer for successive one-year terms commencing July 1 of each year, subject to the availability of appropriations being made by the Congress and the legislature of the State, respectively, and subject to termination during any such term as provided above. This contract may be modified in writing by mutual consent of both parties.

7. Access to Facilities. The Contracting Officer or his designated representative shall have access to the Contractor's facilities at any time in order to observe and evaluate the services provided under this contract.

Attachment A

PRICE CERTIFICATION

(a) By submission of this bid (offer) bidder (offeror) certifies that he is in compliance and will continue to comply with the requirements of Executive Order 11615, August 15, 1971, as superseded by Executive Order 11627, October 15, 1971, for the duration thereof and further certifies that the prices bid (offered) herein conform to the requirements of Executive Order 11615, as superseded by Executive Order 11627, October 15, 1971, or shall be reduced accordingly at the time of any billings that are made during the effective period of the Executive order.

(b) Prior to the payment of invoices under this contract, the Contractor shall place on, or attach to, each invoice submitted the following certification:

I hereby certify that amounts invoiced herein do not exceed the lower of (i) the contract price, or (ii) maximum levels established in accordance with Executive Order 11615, August 15, 1971, as superseded by Executive Order 11627, October 15, 1971.

(c) The Contractor agrees to insert the substance of this clause, including this paragraph (c), in all subcontracts for supplies or services issued under this contract.

Attachment B

CONTRACTOR AND SUBCONTRACTOR LISTING

REQUIREMENT

(1) As provided by 41 CFR 50-250, the contractor agrees that all employment openings of the contractor which exist at the time of the execution of this contract and those which occur during the performance of this contract, including those not generated by the contract and including those occurring at an establishment of the contractor other than the one wherein the contract is being performed but excluding those of independently operated corporate affiliates, shall, to the maximum extent feasible, be offered for listing at an appropriate local office of the State employment service system wherein the opening occurs and to provide such periodic reports to such local office regarding employment openings and hires as may be required: Provided, That this provision shall not apply to openings which the contractor fills from within the contractor's organization or are filled pursuant to a customary and traditional employer-union hiring arrangement and that the listing of employment openings shall involve only the normal obligations which attach to the placing of job orders.

(2) The contractor agrees further to place the above provision in any subcontract directly under this contract.

(b) Federal executive departments and agencies may, with the prior approval of the Secretary of Labor, where necessary or appropriate, substitute a contract clause different from that prescribed in subsection (a) so long as such substitute clause is found by the Secretary of Labor to comply with section 2 of Executive Order 11598.

April 28, 1972 Attachment C

PRICING OF ADJUSTMENTS

When costs are a factor in any determination of a contract price adjustment pursuant to the "Changes" clause or any other provision of this contract, such costs shall be in accordance with the contract cost principles and procedures in Part 1-15 of the Federal procurement regulations (41 CFR 1-15) or section XV of the Armed Services Procurement Regulation in effect on the date of this contract.

Senator ABOUREZK. The next witness is Evelyn Blanchard from the Bureau of Indian Affairs, Albuquerque, N. Mex. Is Evelyn here?

STATEMENT OF EVELYN BLANCHARD, ASSISTANT AREA SOCIAL WORKER, BUREAU OF INDIAN AFFAIRS, ALBUQUERQUE, N. MEX.

Mrs. BLANCHARD. My name is Evelyn Blanchard and I'm Assistant Area Social Worker of the Bureau of Indian Affairs in Albuquerque, N. Mex. However my statement here today, or my presence here today is not as a representative of the Bureau of Indian Affairs. Someone else from that department will speak for the Bureau of Indian Affairs, however, because I am involved in the work I am, my testimony will address that work.

It is a certain honor for me to have this opportunity to address you regarding the very broad issue of Indian child welfare. What I have to say is said from the broad perspective of having been an Indian who received protective services as a child, as a social worker whose whole career has been involved with child welfare services to Indians and non-Indian family life and of a human person, like you, who wants the best world for all of us today and tomorrow.

As we look at the situation of services to Indian children today we must of necessity look at the history of Federal Indian relationships. It cannot be denied that the thrust of governmental programs has in many instances created conditions which have led to the destruction of Indian family life as opposed to the strengthening of it. Perhaps the days of the deadly overt acts have passed. This is something not yet fully determined. What is obvious is that Indian children and their families across the country generally are not being provided the services they require to grow into healthy productive persons. For those individuals who have needed assistance all too often the alternatives have been extremely narrow. One has the choice to conform or rebel. Neither of these choices provide an opportunity for individual enhancement. Somehow the feeling of our country has been that certain groups are not entitled to develop fully. Much lipservice and many reactive fly-by-night programs have been proposed and implemented. But all of these are of a compensatory nature. Yet, how do you compensate a young man with a congenital hip deformity at age 23 because neither he nor his parents had sufficient food? How do you compensate an Indian high school graduate who upon having completed 12 years of school cannot read? How do you compensate legions of Indian parents whose rights and responsibilities to themselves and their children have been usurped by the paternalistic attitude which has characterized Federal-Indian relationships. Out of this background comes the sensationally tragic experiences of Indian children who are the victims of not only malpractice of some social workers but also the victims of our lack of concern.

There are no excuses for the trauma that Indian children are experiencing today and will experience tomorrow. The question of whom bears the greatest guilt seems inconsequential to me. What is important is that each of us today accepts our responsibility. Services to Indian children and their families vary greatly in terms of quality throughout the country. In situations like those cited in the information from the Association on American Indian Affairs one could hardly

expect that Indian persons will be treated with dignity, especially those Indian people who are experiencing numerous problems in daily living. It is not necessary to cite the economic and social characteristics of Indian populations in these communities, reports you have read and various newspaper accounts are replete with descriptions. What must be recognized is that profound prejudice and discrimination exist. This must be confronted and dealt with prior to the mere enactment of laws or providing of additional funds to cause any positive change in services to Indian children and their families.

I work in the Albuquerque area of the Bureau of Indian Affairs. This area provides services to approximately 30,000 Indians representing 24 tribes. In all of these communities there exist all the problems that face other families everywhere in the country. In Indian communities these problems are magnified, unemployment is higher, educational and income levels are lower. These situations provide many stresses for the individuals involved.

To service these 30,000 people we have a total permanent field staff of 18 persons and an area staff of 2. If we consider the entire population as potential clientele we are talking about a potential caseload of 1,666 persons per worker. This is unrealistic and exaggerated, but this is in fact the ratio. In actuality our total caseload for February 1974 amounted to 1,475 cases receiving services. This means that each worker would have worked with an average of 82 cases per month. The situations in these families called for numerous types of services which included financial assistance, alcoholism, unemployment, emotional disorders of various types in addition to a wide range of child welfare services. It is impossible for a staff of 18 social workers to provide quality services to all these people in all of these problem areas. In addition to direct work with clients the workers are also involved in program development, consultation with tribal officials and courts. These statistics are not cited to excuse work that is not being done, but rather to impress you with the fact that providing needed services is impossible in our area. Other areas within the Bureau of Indian Affairs fare no better than we do. The clients these workers see are not next door; great distances must be traveled to provide services. The hours spent in travel allow fewer hours for actual work. Of the total staff, including area personnel, only six workers are Indians, and only three of these Indian workers are professionally trained social workers. Throughout the country there are now approximately 100 professionally trained Indian social workers. Many do not work in Indian communities with their own people. Some choose not to work in Indian communities out of personal choice; others because there are not positions available.

Employment ceilings, positions, and limited funding are something of which you are cognizant, but your awareness and understanding does little to improve the quantity and the quality of services available to Indian people. Indians are citizens of this country and thus entitled to all services offered to others. However, in reality this does not occur. State and local governments sluff off their responsibilities to Indians, often by bureaucratic technicalities and thereby avoid providing meaningful services. It is obvious that much effort must be directed toward the development of professionally trained Indian personnel if, in fact, the aim is to preserve the strengths of the Indian communi-

ties. Young Indian people must see people like themselves in positions of power and influence before they can aspire to that level.

Funds must be appropriated to allow Indian communities to develop local resources. In our area during the month of February 1974, 117 children were residing in foster homes. More than half of these homes are Indian foster homes on the reservation. We began several years ago to develop Indian foster homes. We did not obligate ourselves to State licensing standards. We are more concerned with providing an atmosphere which is familiar and nurturing. In the past Indian families have been dealt with on the basis of outside standards not geared to allow them to develop consistently with conditions in their communities. To combat this we have stressed working within the communities and existing conditions, moving children back to their reservation homes as rapidly as possible. In a number of instances we provided home repairs and household equipment to allow these families to accept children. We need funds to establish group homes in Indian communities. Having the resources in the local community allows many people to become involved in the social welfare needs of that community. The investment for them as individuals is enhanced and recognized perhaps for the first time.

During the month of Feburary, we had 197 children in boarding schools. These children were in the boarding schools because we presently have no other resource to offer. The Commissioner of Indian Affairs, Mr. Morris Thompson, shares our concern regarding the harmful effects of these placements and is urging development of alternate resources. Child welfare services in Indian communities are characterized by restrictions as opposed to an approach of individual self-determination. This is directly related to our lack of resources. The tribal court in all its awesome external character is frequently the primary recourse to family difficulties. Use of the court as a primary resource is an indirect contradiction to accepted child welfare practice.

Indian courts are placed in a dilemma between the needs of the family problems which come before them and the realities of having few alternatives to solve or even deal with these problems. For example, with placement of children the traditional approach in many Indian communities is a community family effort which tried to provide the best solutions for problems. Some of these problems are too great to be handled by nonprofessionals or within the environment of the community. But acceptable off-reservation facilities are seldom available. They create conflicts which frequently compound the problems rather than improve them.

Many Indian families are instinctively hostile to any attempt to have nonfamily members deal with their problems.

This is because of the bitter experience of "children being stolen", removed from their homes and taken off reservation and deprived of their heritage. The consistant policies of the past stressed offreservation norms and theories which often conflicted with the views subscribed to on the reservations.

When a tribal judge faces these cases he must deal with a fearful, frustrated family and overloaded social workers who often have no positive solutions in mind. Foster homes on the reservations are few, many off the reservation are unacceptable and as a result children are

placed in institutions and other facilities which are not capable of dealing with the problems at hand. Almost all of these facilities are off the reservation. The child in effect is placed wherever there is an opening and not where the type of care needed exists.

The only solution is in providing competent Indian social workers who are given the funds to work within the community. We must be allowed to develop programs and facilities on the reservation which will enable the child who has to be removed from the home, the source of his distress, to develop not according to the norms and mores of the outside but according to his or her own needs and the prevailing conditions and precepts of his or her tribe. Emphasis must be placed on keeping children with their own or substitute families.

Within the Albuquerque area this is presently impossible because of the present structure of social services within the Bureau of Indian Affairs. Two examples are the Northern Pueblos Agency and the Southern Pueblos Agency. The former provides services to eight tribes in northern New Mexico encompassing approximately 3,780 people. The Southern Pueblos Agency covers 10 tribes with a combined total of 11,820 people. On none of these Pueblos are there permanently stationed social workers or facilities to deal with family problems. Heavy reliance is placed on outside facilities, outside personnel and our Pueblo children are often sent elsewhere to deal with their problems.

There is a crisis in Indian child welfare services. We have vital decisions to make about the kind of world in which we and our children will live. Pronouncements of commitment must be translated into action, programs, personnel, and funds. These actions must be meaningful, individually enhancing and just. Mere words will not suffice.

Senator ABOUREZK. Thank you very much, Mrs. Blanchard. We appreciate your testimony.

I just have one question. You are presently a social worker for the Bureau of Indian Affairs?

Mrs. BLANCHARD. That is correct.

Senator ABOUREZK. Senator Bartlett.

Senator BARTLETT. I have no questions, Mr. Chairman.

Senator ABOUREZK. Dr. Carl Hammerschlag from Phoenix, Ariz., is here with us.

STATEMENT OF DR. CARL HAMMERSCHLAG, PHOENIX, ARIZ.

Dr. HAMMERSCHLAG. Good morning, Senator. I'm sorry I'm late. I'm sorry but I don't have a prepared statement.

I am not going to show you more horror stories, which you undoubtedly have already heard in boarding schools and offreservation adoptions and institutional homes that are available for Indian children on the reservation. Those kind of things make it very clear.

Senator ABOUREZK. Doctor, I wonder if I can interrupt you for a minute and ask you what kind of a doctor you are so we may have that information.

Dr. HAMMERSCHLAG. I'm a psychiatrist and I work with the Indian Health Service. I am a mental health consultant for this area and I'm responsible for the mental health services for the tribes of Arizona, Nevada, California, and Utah. Most of my work is in and around these areas. I travel to many other reservations as well.

Senator ABOUREZK. Thank you. I'm glad to have that information.

Dr. HAMMERSCHLAG. It's difficult to know where to begin.

I think that if we pay attention only to legislative procedures that will change laws, for example, for Indian parents to keep their children, we're dealing only with the surface areas.

I think that what we see on the Indian reservation is the result of, at least, 100 years of Federal neocolonialism which functions under the policy whereby giving the individual something, there is the assumption that an individual really gets.

I think we're going to have to move away from that as a philosophical trend. I think that those policies and the policies for the last 100 years has been counterfeit in that by giving something we are really taking something away.

I think the problems with Indian children is, by and large, a problem that Indians are rendered essentially powerless and institutionally impotent.

I think that one of the other things that we've discovered in the last 100 years is that in giving somebody something, we really take something away and you're taking away the individual self-respect, a sense of dignity and a sense of worth.

I think that one of the things that has happened in the last century has been that our children on the reservation today have precious little to identify with in terms of dignity of their forebearers and the pride and power that once was their people.

When I asked the children to draw a picture of their community or where they come from, they draw hometowns with bars where Indians were lying drunk in the street.

The sadness of that is not that one can see that from the age of 5 and 6 and preschoolers, but the fact that one already at the age incorporated a negative image of oneself.

If we're going to do something about the problem of the children, I think we're going to have to something about the problem of parents and reservation communities as well. And, I think that a way to deal with that, if you will forgive me, is by allowing people to develop some sense of their own power and fullness. By power, I don't mean a rise in machinegun militancy; I mean in the sense that one is the captain of one's own ship and that one has the power in the sense of dignity to be able to followthrough.

I think that if we stop making decisions for Indians and Indian people. I think that we have become the passive recipients of their dictates. I think that when Indian people speak, we have to respond.

I think the converse has appeared long enough. We suggest to the Indian people what we think they ought to do. We suggest legislation of which they then are recipients, but in essence, they have to followthrough.

I think that perpetuates a counterfeit nurturing center.

I think that the argument has frequently been used in the past that we have to do it because the Indian people have not been able to do it themselves.

It is true there are precious few professionals, as Evelyn assured us just before my testimony, few Indian social workers, precious few Indian physicians and very few Indian psychiatrists.

I think that even if there were more, that would only be symptomatic. I think that we can deal with many of the problems of our

communities, not by providing with more professionals. I don't think, for example, an increase in the number of counselors in school is going to make any difference in terms of the problems that our children have, or are having in offreservation boarding schools or in public schools. No increase in the number of counselors is going to change those issues.

I think in order to deal with any of the problems that our children have in educational institutions, I think we have to deal with the institution themselves. We're going to have to deal with curriculum. We're going to have to deal with what turns our kids off after they're 6 or 7 years old. After they reach 9 or in the third grade, their performance begins to drop.

Indians, on competitive examinations, by and large, scored among the lowest in the national college entrance examinations. Our students graduating from boarding schools are graduating at least 2 years academically retarded as compared to the students in public schools. I think the way to deal with that is not to provide more counselors, for example to children who have problems. I think the way to deal with that is to understand what is happening in schools that turn our children off. I think one of the things that we have to deal with is curriculum and parental input into the school system.

Senator ABOUREZK. Isn't that true of non-Indian schools as well?

Dr. HAMMERSCHLAG. Absolutely.

I think it becomes increasingly true in Indian schools because many of our students come with English as a second language, for example, and with difficulty with white schools from nearby reservations and come to the boarding schools, or are referred, for social reasons. At least 60 and up to 90 percent of our students could go to school elsewhere, but were referred for some kind of social reason, and because we deal with a high range of studentry, we frequently justify their inability to perform, on the basis of their very special problems.

I think that in some ways the program blames the victim. We make the students responsible for their own failure instead of recognizing that we, in society, are responsible for it as well.

But, to answer your question, yes. I think it's a problem everywhere. I don't think that any increase in the number of physicians, psychiatrists or social workers is going to make any difference in terms of the real problems that face American Indian people today. I think that is a symptomatic expression.

I think that if we deal with the expression of the illness, like fever or leukemia, and by giving individual social workers, and doctors and counselors, one is giving aspirin, where one doesn't feel the underlying disease, and the underlying disease is the disenfranchisement and the powerlessness that has been reinforced for 100 years.

I think if we're going to make a real difference, then the tables are going to have to be changed. One has to give back to the community their own sense of powerfulness.

I think the real advances of medicine don't come by having any more physicians. I think they come by developing a vaccine against typhus or smallpox which changes the face of medicine.

I think no increase in the number of individuals to deal with the symptomatic expressions of any kind of disease or social illness, are going to make a real difference.

I think things are changing. I think the Indian people are beginning to make their voices and demands heard and I think it is our obligation, and you have been very sensitive Senator on the Indian issues, that that is going to have to continue and for public exchange for these kinds of ideas for Federal legislative committees and for congressional hearings to be responsive to those needs.

I think that the problems of our children are, by and large, the problems of our parents and the problem of our reservations as well. It is foolish for us to suggest that only by legislatively changing, for example, the availability of homes and increasing money, are we going to make a real dent in the problem, the problem is one that it suggests at least a century's history, and that precious few of our people have any personal recollection as to the dignity of their forebearers.

I think that is going to have to change and I think that one way of changing this is for us to be perceptive to those ideas.

Senator ABOUREZK. Dr. Hammerschlag, I think you have hit right to the heart of the problem. I just passed a note back to Sherwin on how close you have come to the central point.

The issue is really this, that when there is real political and economic power given back to the Indian people, that is the beginning of the end of the problem, as we see it.

You have very aptly described it.

Dr. HAMMERSCHLAG. Are there any questions that I can respond to?

Senator BARTLETT. Dr. Hammerschlag, what observations have you in the adoption area? Have you observed a high percentage of Indians put up for adoption, and if that is the case, could you comment on the reasons and motivations?

Dr. HAMMERSCHLAG. It is hard for me to comment, Senator on the adoptions. All of us that work in this field are familiar with our children leaving reservations and going to non-Indian homes. I will say, in premise, that I think those excesses are decreasing with intensity. That doesn't mean they don't exist, as you've heard before. They still exist but less so, I believe than they have in the past. That doesn't mean that the situation is one of unbridled happiness.

I think that what happens is that it's so hard to describe, and one has to be on the reservation in September when the buses come to take our children away, for example to placement homes, missionary placement homes, to see children leaving their parents, leaving for 9 to 10 months of the year.

The children who are most attractive, for example, and go away to school, are not legally adopted but are essentially presented with such a compromising situation to have to adapt to a new way of life. They leave the reservations and are expected to adopt a new value. They quickly go to homes where the expectation is that they will become part and parcel of that family. Part of that means that when they leave and they come back to the reservation, they've been inculcated with a new set of values. Their sense of importance is critically related to what life experience they have had when they go to school, and our children are presented with two feet in two different grounds. One in the nature and soil of their heritage and the other in an adopted kind of new values. It's devastating for many of our kids.

I think that the best children are asked to leave reservations, the kind of children that other people want to keep in their homes during the school year. The kind who can reform; the kids who are intellectually achieving. They are bright children who have had no problems, the elite from many of our families and homes. They are the ones that are most likely to leave reservations.

I think the kids that do the best in school are the ones that go to public schools because they can compete. The kids that have the greatest difficulty in school are sent to boarding schools, which fail somehow to meet the special needs of our children and they do seem, as a result, to continue to reinforce the negative image of themselves. They don't compare well on competitive examinations. They score poorly on college aptitude tests, for example, and they know that when they get to college, they will have more difficulty then the other students.

All of those kinds of things reinforce the negative kinds of images. There are very few Indian homes that hold themselves up for legal adoption. Most of the adoptions occurring on reservations never come to the attention of social agencies. Indian families take in their own, a daughter who has a child, an orphan, are kept within the community.

But, there are many, many excesses. We have heard about them all and the horror stories of these children are too many to mention.

I'm not sure I've answered your question.

Senator BARTLETT. Yes; do I understand you correctly that in your experience, the experience of leaving the reservation and living in other homes, either adoptive homes or just staying in homes for part of the time, does interfere with their education as well as seeming to be upsetting to them and so on?

Dr. HAMMERSCHLAG. My perception is when you present somebody with conflicting values, it only exacts a price.

Some of our children do extremely well off-reservation, which some go to placement homes and some not. I'm reluctant to be as straightforward as I might be in a less microphoned type hearing and I'm trying to be circumspect.

One of the things that happens when the children leave is that part of the expectancy is that you succeed well in school by the families who raise these children and they have some expectations of these children, usually religious expectations.

Am I making myself clear?

And, they do it for reasons that are altruistic in motive, and there are some fine people involved in such programs; but one cannot fail to understand that there is a price that is exacted and that price is the education of the child will be to follow along those precepts, or will—at least adhere to a rigorously confined way of life.

That frequently is not in accordance with the life experience of the child before coming to such a home, and when frequently presented those conflicting kind of areas, our kids have difficulty when they come back.

Senator BARTLETT. Is there a price also for the Indian parents?

Dr. HAMMERSCHLAG. Oh, yes.

The price is one of self-image. Children come home and they've used flush toilets and hot bath tubs and they come back to a village where there's no running water or electricity, and they begin to wonder.

One gets used to having hot showers and there's nothing peculiarly Indian about enjoying taking a hot bath, and if you've been taking a hot bath for 8 months and you come home and you can't, you say to your folks, how come you don't take baths. One of the prices it exacts is that the parents feel bad and the children feel confused and conflicted.

Senator BARTLETT. You said earlier that the number of adoptions taking place and the number of children that are leaving homes is decreasing.

Dr. HAMMERSCHLAG. That's my perception, Senator, but I have no figures.

Senator BARTLETT. What is the reason behind that, could that be because of a greater desire on the Indian family and also the tribes to reduce the amount, or is it, the result of an obvious effort on the part of the Indian?

Dr. HAMMERSCHLAG. I think, Senator, yes.

We're beginning to see, in this decade, a reflection, for example, of the black movements in the 1960's. I think Indian people are becoming increasingly aware of the legislation, what impact aid is, what legislation has been inacted to help them, and I think the people are coming together to expect and demand, in some ways, what are the legal treaty rights that have been in since the creation of this country.

I think that we will begin to continue to see that in the ensuing remainder of this decade. I think that the people are, by and large, beginning to have great expectations of us and will increasingly begin to participate. I think the things that happen in the first several years of this decade, in terms of occupations, growing signs of militancy, is hardly a universal Indian phenomenon. It is, at least, I think a beginning of a reflection of what has been called the Sleeping Red Giant, and if that will continue, it will effect, also the children, the adoptions and the placements.

Senator BARTLETT. Are you seeing a greater participation in tribal affairs and actions and activities within the tribe?

Dr. HAMMERSCHLAG. I see only the reflection of the white man, who is sometimes invited and sometimes not.

I think that there's greater participation, greater awareness, there's a greater seeking for an increasing voice. I think that there are some excesses that still exist. I think that Indian tribes and Indian governments suffer from the same difficulties, and I say that with some kindness, that the rest of the Government is involved with and there's frequently political intrigues and backbiting, and not so subtle guarding of territories. I think those things will continue to occur for reasons that there is no reason to expect that it will be any different than it is any place else.

I think the fact that it is occurring is a sign of increased, growing participation.

Senator BARTLETT. Dr. Hammerschlag, I thank you very much.

Senator ABOUREZK. Thank you, Doctor. Thank you very much for your testimony.

The next witnesses will be Mr. Ben Rowland, Mrs. Freda Moore, and her daughter from Lame Deer, Mont. Are they here?

Yes. We'd like to welcome you to the committee.

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STATEMENT OF BEN ROWLAND AND FREDA MOORE, LAME DEER, MONT.

Mr. ROWLAND. My name is Ben Rowland from Pine Ridge, S. Dak. I live in Montana right now.

Senator ABOUREZK. Are you originally from the Oglala? Are you enrolled in the Oglala?

Mr. ROWLAND. Yes, I am.

I'm with my daughter and her mother is not here. We're divorced and she has remarried and she has a little baby and she couldn't make it. I wish she was here because she knows more than I do because she was with her when those people took her.

Senator ABOUREZK. What's your daughter's name?

Mr. ROWLAND. It's Benita.

Senator ABOUREZK. How old is she now?

Mr. ROWLAND. She's 6 now.

Senator ABOUREZK. Was she taken by somebody back to Pine Ridge?

Mr. ROWLAND. Yes.

Senator ABOUREZK. When was that, Ben?

Mr. ROWLAND. That was in 1972, January of 1972.

Senator ABOUREZK. Would you tell us about what happened then?

Mr. ROWLAND. I live in Montana and one day I got this letter from this reverend.

Senator ABOUREZK. Was he a reverend or a priest?

Mr. ROWLAND. Yes, a minister.

Senator ABOUREZK. A Protestant minister?

Mr. ROWLAND. A gospel minister.

He asked permission because he wanted me to give him permission for my little girl to go with his people back to Wisconsin.

So, I called up my brother the same day and I told him to go down there and pick her up. I guess he went down there and he told them that, and they took this little girl for 3 days before then. So, I went home and went to see the judge and he told me to go back to Montana and see somebody down there because we were divorced down there in Montana.

I went back there and went down to see one of the attorneys. So, he wrote to these people and they wrote back to him and told him that she was doing fine and they wanted to keep her.

I told him to write back again and he wrote to them again and they told him the same thing again. I went back to Pine Ridge and went to the legal service down there.

Senator ABOUREZK. These were two women that took her?

Mr. ROWLAND. That's right.

Senator ABOUREZK. Did they tell your wife, at that time, that they wanted to take her, take Benita on vacation?

Mr. ROWLAND. Yes.

Senator ABOUREZK. Did they give both you and your wife papers to sign?

Mr. ROWLAND. See, I wasn't there.

Senator ABOUREZK. Did they give your wife papers to sign?

Mr. ROWLAND. I guess they gave her some kind of papers to sign.

Senator ABOUREZK. Did she know what the papers were?
Mr. ROWLAND. She told me she didn't know what it was.
Senator ABOUREZK. She signed them?
Mr. ROWLAND. I guess she did.
Senator ABOUREZK. Did you ever find out what they were?
Mr. ROWLAND. No, I didn't.
Senator ABOUREZK. Just for the record, the staff has informed me that they were consent for adoption papers. After that, they took Benita with them and took her to Wisconsin. Is that right?
Mr. ROWLAND. Right.
Senator ABOUREZK. You had to go to court to get her back?
Mr. ROWLAND. Right.
Senator ABOUREZK. Is there anything else that you'd like to say?
Mr. ROWLAND. No.
I guess that's it.
Senator ABOUREZK. If you'd like to say anything more, please feel free to do so.
Mr. ROWLAND. I don't have anything to say.
Senator ABOUREZK. All right.
Senator BARTLETT. No questions, thank you.
Senator ABOUREZK. I thank you and your daughter, Benita, for coming. Thank you very much.
The next witness is Mr. Mel Tonasket, who is the president of the National Congress of American Indians, Colville, Wash.
Mel, we want to welcome you to the committee.

STATEMENT OF MEL TONASKET, PRESIDENT OF THE NATIONAL CONGRESS OF AMERICAN INDIANS, COLVILLE, WASH.

Mr. TONASKET. Thank you very much, Senator. It's my pleasure to be here again. It seems that I was just here a couple of days ago.
Senator ABOUREZK. Yes. You're a regular customer.
Mr. TONASKET. As you can see, I don't have anything prepared for the official record, but I would like to submit some statistics and other records later on.
Senator ABOUREZK. The record will be held open for 2 weeks so you can submit it anytime within that period.
Mr. TONASKET. Fine. Thank you very much.
I would like to open up my statement with a quote that was made back in 1870 by an Apache. I think it's very true and he said:

> In the budding and blooming days of Indian history, public sentiment was against the Indian, that they could not be civilized, they could not be educated, they were somewhat like human beings, but not quite within the line of human rights. The only hope was to let the bullets do the work, cover up the bloody deeds and say no more. God and humanity were forgotten.

Patient and silent and distant the Indian race has been these many years. There comes a time in human events when abandonment of racial responsibilities become very oppressive, unbearable, intolerable, and there seems to be no hope. A man must exert himself, speak and act. And, that is exactly what is happening today and has been happening ever since the 1700's. And yet, it seems there are always Indian leaders repeating and repeating.
The examples of things that have happened, that I'm going to refer to, are things that I have been personally involved in. It's not hearsay.

These are examples of when Indian parents or Indian children came to me as a member of my tribal council asking for help. I'll be very brief.

There was an example in a little town north of our reservation called Orville, Wash., where this Indian lady went to the home of her family. The caseworker, the State caseworker, came to her house and told her to get her daughter ready to leave, they were taking her away, with no explanation as to why, with no court order, no nothing. That's when the lady came to me and I went to the council to ask for help.

It took us about 3 weeks, battling like heck with the social and health services to get that child back.

The second example is of a 10-year-old girl who had been in an Okanogen County jail for 4 days before I found out that she was in there.

I called up the county chief and an officer and he admitted that the girl was in there and I asked why and he said because she had run away from her foster home. I asked if it was a white foster home, and he said yes.

Then I called up St. Mary's Mission; it's a boarding school on the reservation, an all-Indian boarding school and asked if they had facilities to keep this child. They said yes. They said that that's what they are there for.

I called up the juvenile officer again and by the time I made that original call that morning, that afternoon the child was gone and I still don't know where she's at. She's a ward of the court.

The reason she had run away, she had run away 3 times from this foster—the same foster home and rather than find out what the problems were, then it was a lot simpler to throw that girl in the Okanogan County jail. They had no juvenile facilities there.

The third case is, the court took the children away from the mother, three children away because, and the only reason we can find out, is because the parents got a divorce, and the father moved away from the reservation. We don't know where.

It sounds like the juvenile officer is like Jesus Christ or something because all he seems to have to do is to walk into the council and get a ward of the court paper filled out, because that's the only thing that we can find is a recommendation by the juvenile officer to make these children wards of the court. And, in my opinion, that's a crime because if you just think of all the children that would be taken away from the mother because of a divorce, our country would be overloaded with wards of the court. I think they are overloaded anyway.

The same works in reverse for a father of six children and the mother of the six children died. Exactly the same thing happened. Those six children are made wards of the court and we've been fighting now for over 2 years to get those children to be placed back into the father's household. He works at a small lumber company. He supports the children very well, is involved in all sorts of athletics and yet we can find no reason why he cannot have those children.

The first case I was ever involved in was a young lady, a teenager, that was taken away from her parents. She was put in a white group foster home off the reservation. She ran away about three times, so they took her from that foster home, and that's when I got involved in the case, and I had an Indian foster home lined up for this girl I had the Bureau of Indian Affairs involved in the case and yet, the

State refused to let this girl go to her Indian foster home and sent her into Spokane, which is 130 miles away to another Catholic group foster home, from which she ran away.

So, they couldn't hold her there. I pleaded with them again to let her come back to the reservation and put her in an Indian home.

About the second time she ran away from Spokane, they put her over someplace in Seattle, which is 250 miles away. And, it never seems to cure the problem. It just seems to push it further and further away.

The last case that I want to refer to is the case that these three children were made wards of the court in the State of Washington. They were given to a foster parent. The foster parent took the kids from Okanogan County to Montana. In fact, to Lame Deer, Mont., without the approval of the court, without approval of social health services.

We tried to get the children back to the reservation and again, we had another Indian foster home lined up for the children. The State said that they couldn't do anything about it because it was not their jurisdiction.

We tried to go to the Crow Tribal Council and I guess that's one of the benefits of not being under 280 because they blocked us out completely for lack of jurisdiction.

We went to the FBI, the Bureau of Indian Affairs, and we fought for over a year and neither the Bureau, the Federal Bureau of Investigation or the State of Washington could get those children. I had to go back to Washington to negotiate to get the kids back. Instead of getting them back, we found a home over there in which they were placed in good shape.

Our concern is that after the kids left the State of Washington, they were completely out of everybody's jurisdiction, it seemed to us, and if that's the sort of care that an Indian child is going to get as a ward of the court, then I think that Indian tribes can provide a whole lot better. I'm positive they can, because of the different ways of the Indian peoples to the non-Indian people, and I'm sure that you've probably heard this through the hearing so far. There's no such thing on my reservation as an abandoned child because even if you are a one-eighth cousin, if that child is left alone, that's like your brother or your sister, or your son or your daughter. It's been that way since our old people can remember.

We talked about families that are so large in size, maybe 20 people in a household. That is the reason that the family is so large because they bring in the children who need a roof, and need food. And, yet, we find ourselves fighting head to head with the State of Washington, and I'm sure it's true in other States. It's a lot simpler to take these children and move them away from us.

As soon as they find out who they are, they come back when they get old enough to hitchhike. We've had that happen in the last couple of years. We've had a young gentleman who just turned 18 years old, who found out he was an Indian. He was adopted to a non-Indian family and lived in Florida all his life. He left that family to come home. Didn't know who he was. Didn't know who his family was, but he was home.

I have some comparisons that I would like to give you, and then some recommendations. I have received some documents concerning the problems of the Indians in Paraguay.

And, I was asked for advice because I had been in South America and Brazil, on what to do. In reading these reports and these statements, it was repeated over and over again about these Indian children of the age of 10, whose parents were slaughtered, or were sold into slavery. That sounds very bad, but if you look at what's happening in the United States of America today, probably it's happening this very minute someplace, not only are our Indian children being taken away but they're paying the non-Indian for taking the child. This is the problem in Paraguay.

What I mean is, they pay the parent for taking the child and the foster parents are usually paid by the State for care of that child, or if the child has to use, and we have files and files of it, I've seen some documents that Mel Sampson from the Yakima Council had, where the children, from using their dividend payments, or taking their dividend payments or per capita payments, or land claims or whatever it may be, pay that either to the foster parents or to the adoptive parents. So, the Yakima Council objected to that very, very much.

I strongly feel and our council strongly feels that if a family wants to adopt or take an Indian child into its home, and there's no other place to go, then that family should be able to support that child and that child should not have to support itself.

Now, I have some recommendations, but I do think they have to be said. I think the Bureau of Indian Affairs must take a more active role to take over the responsibility and jurisdiction of Indian children on welfare, for welfare purposes, and more appropriations must be given to the Bureau of Indian Affairs to a total social services program.

Right now, the social services branch of the Bureau of Indian Affairs is just a token office as far as we're concerned in Colville. We have no money to operate anything. They can't even assist us in getting Indian group foster homes developed.

I think that we cannot attack the welfare system and not work to correct the law and order, the judicial system and all the other programs. We must correct the whole system on the reservation to properly eliminate our social problems, and I think that that really attacks Public Law 83–280.

To repeat the trail of the Crows that are really taking care of themselves as compared with what the Colville's have taken care of themselves in jurisdiction over their people, when they can tell the State of Washington to stay out, and tell the State of Montana to stay out, tell the Bureau of Indian Affairs to leave us alone, then that's a sovereign government.

The Colville Tribes and the tribes that are under Public Law 83–280, have almost lost their handhold and the responsibility and the ability to take care of their own people.

I think that this committee, and the Congress, have to look at many areas when they talk about child welfare. Just in the State of Washington, where I'm from, I can give you some things, some examples of what has to be done and specific problems with the State system.

One, there is almost no preventive services being delivered to the Indian family. No way are services provided to the Indian families to help them rehabilitate or whatever the words may be for giving the child back.

State caseworkers have difficulty in relating to Indian family service and the Child Protection Service for their Indian clients. They

don't even bother to explain, because they don't know how to explain what the procedures are and what they're faced with in getting your child back or why the child is being taken.

It's strange to us, that Indian children are almost always uprooted from their culture, the relatives, and the tribal communities.

There has to be more special training and sensitivity training to potential case workers that come to Indian country, or near Indian country where they're going to be servicing Indian people.

There are no group homes in the State of Washington, not one. Or, no Indian group homes in the State of Washington. There is a tremendous need of Indian foster homes and for people on reservations, or Indian families who can be taught, or shown, or assisted on how to become a foster home or receiving home.

I could talk, probably the rest of the day about the problems of Indian children, social problems and welfare problems, but I think, to make it very simple, I'll end my statement by this; when I look at our children, our Indian children, they are too few, but when one is taken away, that is too many.

Thank you very much.

Senator ABOUREZK. Mel, thank you very much for your testimony.

Senator Bartlett, do you have any questions?

Senator BARTLETT. Yes.

Mr. Tonasket, you said on a number of instances where the children were taken from their homes and you resisted those takings on a case by case basis, as you learned about them. Did you make an overall effort to work with the proper authorities in having them evaluate their approaches, trying to get at the root of the problem, trying to eliminate the problem, or on the other hand, to work with the tribal organizations that you had and develop programs there?

Just what was the general effort made, not on a case by case basis, but just in an overall manner to deal with this problem both with the State and local welfare people and HEW, as well as your tribal unit?

Mr. TONASKET. Senator Bartlett, the very first thing that we had done that we thought in the long run would help alleviate any future problems, we got the local department of social health services to send some of their case workers and administrators to the reservation and we conducted an Indian awareness workshop that lasted many a week or even up to a month.

We went back to our State capital, Olympia, a number of times to try to educate the top level people in social services. We set up, or were instrumental in getting Indian desks set up in the department of social and health services to make sure that policies and procedures and directions of the department that affected Indians in any way, that their trust rights, their lands and their relationship with their tribe would be protected.

The other portion of this was kind of a police function, going out to the local office to make sure that those policies and bylines were developed by the Indian desks were followed through.

It's like the educational structure, I guess. It's really hard to break it down. It's easy to get somebody into your workshop and preach to them and give them samples, but 2 or 3 days later, they seem to forget it.

Senator BARTLETT. I've been aware of a training program that has existed for quite some time that has affected Oklahoma Indians where

the BIA would take young Indian children in Oklahoma and train them in San Francisco for jobs in that area.

We felt that this program didn't work too well in most cases, for some reason.

One was that they would take the young people who had the best potential and capabilities and hence remove a leader from the local community.

Second, in many cases the person, after staying awhile and perhaps adjusting well to the new environments and jobs and doing well, when he learned the problems at home and would be needed at home because of his strong family ties would come back. So, I'm very much aware of the strongly knit family units that exist in the Indian families and Indian tribes.

I just wondered, in view of that, with the many adoptions and many youngsters who are put in foster homes, what efforts within family units and within the tribes have there been made to resistance, or have there been an increasing effort?

Dr. Hammerschlag seemed to testify, a few minutes ago, and testified very definitely that it appeared to him to be a declining rate of youngsters placed in foster homes and placed for adoption in non-Indian homes. I was just wondering if there was a growing effort on the part of the Indians and the tribal organizations to resist this, or to work with problems that might be leading to it?

Mr. TONASKET. I can't speak for any other tribe except mine in answering your question.

There's been a lot of effort, in the last 4 years by the Colville Tribe to stop Indian children from being placed in non-Indian foster homes or to being adopted in non-Indian homes.

One of the first things that we've done, and it might seem strange and then again it might not seem strange, the first thing that we've done is we stopped allowing dividend payments, per capita payments, claims money payments to be issued to the foster home or to the adopted home. We kept that money and the individual Indian moneys accounts in our office there until the child reaches the age of majority.

Immediately, we've seen a slowdown of non-Indians taking Indians into their homes as foster children.

Senator BARTLETT. Say that again, I didn't quite understand.

Mr. TONASKET. I'll try to explain it a little better.

It happened in the past, where the Bureau of Indian Affairs would issue checks from the IIM, individual Indian moneys accounts to the individual, to a foster parent or the adoptive parent. And, there are many instances where those moneys of the child were used for their own maintenance, besides the State paying foster parents for having the child.

When we cut off the child's money to the foster or adoptive parent, her own money from the tribe, there was a decrease of non-Indians who wanted to adopt or take any children into their foster homes.

Senator BARTLETT. That's very interesting.

Mr. TONASKET. It seems bad, a sin, that the only reason that a person wanted the children in their homes is to get paid for it and not because of love, or not because of the need for sharing. I think if everyone would do that, you would see a decline and I would highly recommend that.

I think that tribal councils have to spend a lot of time working with their local FHS office. We have spent a lot of time, and the tribes in the State of Washington totally have spent a lot of time, with social health services and from that there is a study going on right now throughout the State concerning child welfare and child placement, where is the child now. Has it been detrimental or been beneficial, and there are Indians on that study team.

Senator BARTLETT. Mr. Tonasket, do you have statistical information comparing the adoptions of Indian children and the placement of foster homes compared to others in the State of Washington?

Mr. TONASKET. Compared to others?

Senator BARTLETT. Yes.

Mr. TONASKET. I don't have any comparisons at all. All I have is the Indian.

Senator BARTLETT. Do you think it is available for the State of Washington?

Mr. TONASKET. Yes.

Senator BARTLETT. Would you send that to the committee?

Mr. TONASKET. Yes. I plan on having that introduced into the record when I first opened up my statement.

Senator BARTLETT. Has the tribe made an effort to increase the number of Indian parents or the Indian couples who would be available as foster parents?

Mr. TONASKET. Yes. We've increased our number of foster homes, eligible foster homes, probably 300 percent.

One of the reasons we were able to is because when I first got on the tribal council 4 years ago, our unemployment was about 64 percent of the available work force. Our family average income was about $2,050 a year for an average family of six. Over half of our people who lived on the reservation needed a home to live in, either they didn't have a home or they were with somebody else. There was as high as three or four families living in one dwelling. That was one reason that we didn't have enough Indians that were qualified for foster parents.

Today we have reduced our unemployment to approximately 22 to 24 percent and that houses are being built all over the reservation and we just have a new housing program approved by HUD last year that will be starting this year, that will also assist us in having Indian parents as qualified foster parents by just the combination of things having happen.

Senator BARTLETT. So, you see the housing program as a very important key to expanding the possibilities of foster parents?

Mr. TONASKET. One of the important. I think it's more important to have a family to be able to support itself and housing will come automatically if a person can make enough money to feed themselves first and then find a home and build a home second.

Senator BARTLETT. Then, jobs play a primary role?

Mr. TONASKET. In my opinion, they do. What we've found is that at home. It's just made it a lot easier for us to sit down and try to show the courts, the juvenile departments, an Indian home, even though it might not be up to par according to white standards, as long as parents can support themselves financially and give the child love, that's what is important; and we're finally starting to get people to listen to that philosophy.

It used to be you had to have a bedroom per child and all kinds of other stuff. Indians just could not qualify.

Senator BARTLETT. Thank you very much, Mr. Tonasket. That is very fine testimony. If you do have that other information that you haven't discussed, we'd like to have it.

[Subsequent to the hearing the following information was submitted:]

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STATE OF WASHINGTON ADOPTION AND FOSTER CARE STATISTICS

Basic Facts

1. There are 1,357,716 under 21-year-olds in the State of Washington.[1]
2. There are 15,980 under 21-year-old American Indians in the State of Washington.[2]
3. There are 1,341,736 non-Indians under 21 in the State of Washington.[3]

I. Adoption In the State of Washington according to the Washington Department of Social and Health Services,[4] there are an average of 48 completed non-related adoptions of Indian children a year. Using the State's own figures, 69%[5] (or 33) are under 1 year of age when placed. Another 11% are 1 or 2 - years-old; an additional 9% are 3, 4, and 5; and 11% are over the age of 5. Using the formula then that 33 Indian children per year are placed in adoption for at least 17 years and an additional 15 Indian children are placed in adoption for a minimal average of 14 years, there are 771 Indian under-21-year-olds in adoption at any one time in the State of Washington. This represents one in every 20.7 Indians under the age of 21 in the State. Using the same formula for non-Indians (an average of 213 non-Indian children per year are adopted in Washington[6]) there are 3,423 non-Indians in adoptive homes at any one time, or one in every 392 non-Indian children.

Fact: There are therefore, by proportion, 19 times as many Indian children in adoptive homes in Washington as non-Indians.

II. Foster Care According to statistics from the Washington Department of Social and Health Services[7] there were a minimum of 558 Indian children in foster homes in 1973. This represents one in every 28.5 Indian children. By comparison, there were 4,873 non-Indian children in foster care in 1973[8] representing one in every 275 non-Indian children in the State.

Fact: By rate, therefore, Indian children are placed in foster care almost 10 times (9.6) as often as non-Indian child-

ren in the State of Washington.

III. Combined Foster Care and Adoptive Care Using the above figures, a total of 1,329 under 21-year-old Indian children are either in foster homes or adoptive homes in the State of Washington. This represents one in every 12 Indian children. Similarly, for non-Indians in the State, 8,296 under 21-year-olds are either in foster care or adoptive care, representing one in every 162 non-Indian children.

Fact: By rate, Indian children are removed from their homes and placed in adoptive care or foster care 13.5 times more often than non-Indian children in the State of Washington.

The above figures are based only on the statistics of the Washington Department of Social and Health Services and does not include private agency placements or boarding school placements. They are therefore minimal figures.

FOOTNOTES

1. "Age and Race Population, by States, 1970," p. I-308.
2. "American Indians, 1970 Census of Population," p.16.
3. 1,357,716 - 15,980 = 1,341,736
4. Letter from Dr. Robert J. Shearer, Assistant Secretary, Social Services Division, State of Washington, Department of Social and Health Services, April 4, 1973.
5. Ibid.
6. Ibid.
7. Ibid.
8. Ibid.

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SOUTH DAKOTA ADOPTION AND FOSTER CARE STATISTICS

BASIC FACTS:

BIA serves 28,398 on-reservation Indians in South Dakota*-1.

Approximately 51% of this population is under 21*-2

Therefore, approximately 14,482 Indians under the BIA in South Dakota are under 21.

Total South Dakota completed, non-related adoptions (according to records of South Dakota, Department of Public Welfare) since 1967-68: 908 (by telephone).*3.

Total Indian, non-related completed adoptions since 1967-68: 350 (by telephone).*3.

I. One in every 2.6 completed, non-related adoptions in South Dakota since 1967-68 as acknowledged by the South Dakota Department of Public Welfare, has been Indian, whereas only one out of every 15 under 18-year-olds in South Dakota is Indian.*4. Thus, almost 6 times as many Indians as non-Indians, proportionally, are placed for adoption in South Dakota.

By percentage, approximately 40% of all adoptions, by South Dakota Department of Public Welfare, are Indian whereas Indians under 18 represent only 7% of the under-18 population in South Dakota.

II. An average of 55 Indian children per year are adopted in South Dakota. Since at least 80% of these, as a minimum, are placed under the age of one year*-5 (44), living in an adoptive home therefore for approximately 17 years or more, and since the remainder (11) can be considered to average at least 14 years in adoptive homes,*6 at any one time

approximately 902 Indian children in South Dakota, under 21, are in adoptive homes; this is one in every 21 Indian children in the State. Using only the non-Indian under 21 population for South Dakota, and the same age-duration of placement formula there are 1,675 non-Indian children in adoptive homes, or one in every 158 non-Indians, a rate more than 7.5 times lower than for Indians.

III. In 1970-71 one in every 18 Indian children born in that year was placed for adoption (80% of the 67 Indian children listed as placed for adoption by South Dakota Department of Public Welfare in 1970-71, as a portion of the 1,010*-7 Indian children born in that year); this compares to one in every 94 children (all) born in South Dakota in 1970 placed for adoption (approximately 10,850 children*-8 born in South Dakota in 1970, and 116 non-Indians placed for adoption). The rate here, once again, is more than 5 times higher for Indians than for non-Indians.

IV. The Bureau listed 471 under 21-year-old Indian children in foster care in 1972.*9

The State lists approximately 600 non-Indians in foster care in 1972*10 representing one out of every 440 of the 264,051 non-Indians*-11 and non-reservation Indians in South Dakota under 21. In other words, using only BIA figures, Indian children are removed from their homes and placed in foster care at a rate 11 times the rate for non-Indians.

V. Additionally, the State of South Dakota lists approximately 360 Indian children in foster care in 1973 (the numbers have not increased according to a phone conversation with SDWD officials since 1972 so we can assume that 1972 figures were at least as high). Of these, the BIA

indicates an average of 60 per month are under State-BIA contract*-12 and therefore would be duplicated in the above-mentioned 471 BIA figures. Therefore approximately another 200 Indian children are in foster care in the State of South Dakota apart from the Bureau figures. This brings the total number of Indian children in foster care under 21 in South Dakota to a minimum (in 1972) of 671. The combined BIA and State Indian under-21 population as noted by the American Indian Census Report (1970) is 18,864*-13. This means that one out of every 28 Indians in South Dakota under 21, at a minimum, was in foster care in 1972. Indian children are in foster care in South Dakota therefore at a rate of 15.7 times that for non-Indians.

VI. Combined Foster Care and Adoption Statistics;

Using the adoptive figures cited before of 902 Indian children in adoptive care in South Dakota, and the foster care figures cited above (671) for 1972 we can see that a total of 1,573 Indian children under 21 were either in adoptive or foster care; this represents one out of every 12 Indian children in the State, and does not include Indian boarding shcool students.

The same calculation for non-Indian children shows 1,675 in adoptive care and 600 in foster care, a total of 2,275 non-Indians were out of their homes in adoptive or foster care in 1972. This represents one out of every 116 non-Indian children. In other words Indian children are taken out of their homes and placed in adoptive or foster care at a rate almost 10 times (9.6) that for non-Indians.

VII. Additionally Indian children represent almost 41% of the children in foster and adoptive care in South Dakota, but they represent only 6.5% of the total under-21 population in the State.

SUMMARY:

ADOPTION: Indian children are placed for adoption in South Dakota at a rate more than 7.5 times that for non-Indian children.

FOSTER CARE: Indian children are placed in foster care in South Dakota at a rate 15.7 times that for non-indian children.

COMBINED: Indian children are taken out of their homes and placed in foster or adoptive care at a rate almost 10 times that for non-Indian children.

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FOOTNOTES

1. From Aberdeen Area Office, BIA.
2. "American Indians" 1970 Census of Population, U.S. Dept. of Commerce, Bureau of the Census, p.14.
3. Gathered from Mrs. Margaret Hansen, S.D. Dept. of Public Welfare, Pierre, S.D.
4. Op. Cit., "American Indians," p.14 and U.S. Census Bureau's, "1970 Age of Race Population," p.1-307.
5. "Adoptions in 1971" U.S. Dept. of HEW, SRS, Program Statistics and Data Systems, Nat'l Center for Social Statistics, May 23, 1973, Table 6.
6. Ibid
7. Op. Cit., "American Indians," p.14.
8. Op. Cit., "1970 Age and Race Population," p.1-307.
9. BIA Statistics, FY1972 - "Child Welfare - Unduplicated Case Count," p.3
10. By phone, A.R. McCorkle South Dakota DPW, and "Children Served by Public Welfare Agencies and Voluntary Child Welfare Agencies, 1971" DHEW Pub. No. (SRS) 73-0325 Table 8.
11. Op. Cit. "1970 Age and Race Population" p.1-307
12. Phone Conversation with Aberdeen Area Office, Roger Lonnevik, February, 1974.
13. Op. Cit. "American Indian Report," p.14

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WISCONSIN ADOPTION AND FOSTER CARE STATISTICS

Basic Facts

1. There are 1,843,534[1] under 21-year-olds in the State of Wisconsin.
2. There are 10,456[2] under 21-year-old American Indians in the State of Wisconsin.
3. There are, therefore, 1,833,078[3] non-Indians under 21 in Wisconsin.

I. Adoption. In the State of Wisconsin, according to the State Division of Family Services[4], there are an average of 48 completed, non-related adoptions of Indian children per year. Using the State's own figures[5], 69% (or 33) are under one year of age when placed. Another 11% are one or two-years-old; an additional 9% are 3, 4, and 5; and 11% are over the age of 5. Using the formula, then, that 33 Indian children per year are placed in adoption for at least 17 years, and an additional 15 Indian children are placed in adoption for a minimal average of 14 years, there are 771 Indian under-21-year-olds in adoption at any one time in the State of Wisconsin. This represents one out of every 13.5 Indians under the age of 21 in the State. Using this same formula for non-Indians[6] (an average of 473 non-Indians per year are adopted in Wisconsin) there are 7,600 non-Indians under 21 in adoption at any one time, or one out of every 241 non-Indian under 21 years of age in the State.

Fact: There are therefore, by proportion, 17.8 times as many Indian children in adoptive homes in Wisconsin as non-Indians.

Additionally[7], using the 1970 census figure for Indian births in Wisconsin, we can see that one in every 13 Indian children born in that year (and the average seems to hold true up to the present date) was placed for adoption in his or her first year of life.

II. Foster Care. According to statistics from the Wisconsin State Division of Family Services and county social service departments,[8] a minimum of 545 Indian children were in foster care in 1973. This represents one out of every 1? Indian children.

By comparison, approximately 6,800 non-Indian children were in foster care in 1973,[9] or one out of every 269 non-Indian children.

Fact: By rate, Indian children are placed in foster care more than 14 times as often as non-Indian children in the State of Wisconsin.

III. Combined Foster Care and Adoptive Care. Using the above figures, a total of 1,316 under 21-year-old American Indians are in foster care or adoptive care in the State of Wisconsin in any given year. (This represents one out of every 8 Indian children.

A total of 14,424 non-Indian children are in adoptive care or foster care in any given year in the State of Wisconsin.) This represents one out of every 127 non-Indian children.

Fact: By rate, Indian children are removed from their homes and placed in adoptive care or foster care situations 15.8 times more often than non-Indian children in the State of Wisconsin.

FOOTNOTES

1. "1970 Census of Population Age and Race," U.S. Dept. of Commerce, Bureau of the Census P. 1-309
2. "American Indians, 1970 Census of Population" U.S. Dept. of Commerce, Bureau of the Census, pp. 16-17
3. Subtracting: 1,843,534
   10,456
   1,833,078
4. Wisconsin Dept. of Health & Social Services, Division of Family Services - Material sent by Frank Newgent, Administrator, Div. of Family Services, Feb. 1974 - "State of Wisconsin Adoptions, 1966 - 70"
5. Ibid
6. Ibid
7. Op. Cit., "Am. Indians, 1970 Census of Pop.," p. 16
8. Op. Cit., Division of Family Services, "Indian Children in Foster Care," by State and County, unduplicated, unrepeated figures, March, 1973
9. "Children Served by Public Welfare Agencies and Voluntary Child Welfare Agencies and Institutions, March, 1971," U.S. Dept. of Health, Education, and Welfare, SRS, Program Statistics and Date Systems, National Center for Social Statistics. Table 8- Also, statement from Ian McClean, Dept. HEW, SRS, Program and Statistics Div.: "The figures have not changed substantively in the past 5 years."

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MINNESOTA INDIAN ADOPTION AND FOSTER CARE

I. We can estimate -- given the conclusion that the vast majority of Indian-child adoptions are non-relative adoptions -- that at the present time approximately 1400 Indian children are now in adoptive homes in the State of Minnesota. This figure is derived from the fact that over the past eighteen years an average of eighty Indian children per years*1 have been placed for adoption (more in recent years, the last five years (1967-1972) averaging 126 per year,*2 1961-1966 averaging 56 per year*2). Since the average age at adoption, for non-relative adoptions, is three to four months of age,*3 under-18 adoptions last for approximately 17 years, 8 months. Thus 17.66 X 80 = 1413.

FACT: An estimated minimum of 1413 Indian children in Minnesota under 18 years of age are in adoptive homes.

II. Given 1413 under-18 Indian children in adoptive homes in Minnesota, given a total under-18 Indian population in Minnesota of 11,542*4 we can conclude that approximately one out of every eight Indian children under 18 in Minnesota is in an adoptive home.

FACT: One out of every eight Indian children under 18 is in an adoptive home in Minnesota.

IIA. Although the overall 18-year rate for adoption of Indian children shows the above rate, a closer examination of the statistics reveals an even more ~~frightening~~ ratio figure indicating the latest trend. In 1971-1972 one hundred and fifty-nine Indian children were adopted in Minnesota;*5 in that same year an estimated 558 Indian children were under one year of age*6; since the average age at adoption is 3-4 months, as stated above, most of the 159 adoptions involved the 558 under-one-year-olds. Since 65% of adoptions involve under 3-month olds,*7 one hundred and three of the 159 children above were under three months old. A purely speculative minimal estimate of another 15% of the children were between 3 months - 12 months of age: if so, another 24 children were under one year of age when placed or a total of 127 Indian children placed for adoption in 1971-72 in Minnesota were less than twelve months of age. Thus, 127 Indian children of the 558 in that age group in 1971-72 were adopted, or one out of every 4.4 Indian children. If that rate were to continue, and indications are that it is continuing and even increasing,*8 an unbelievable ratio of approximately one in four Indian children under 18 in the State of Minnesota would be in adoptive care and homes within ten years.

FACT: An estimated one in every 4.4 Indian children under one year of age in Minnesota in 1971-72 was in an adoptive home. State another way, one out of every 4.4 Indian children born in Minnesota in 1971-72 was placed for adoption.

IIA. (Continued)

PROJECTION: At current adoptive rates, within ten years one in every four Indian children under age 18 will be in adoptive homes in the State of Minnesota; thus, 25% of all Indians within a generation would have been brought up by adoptive parents, mostly non-Indian. (At least 91% of the adoptions of Indian children in Minnesota were made by white parents).*9

III. For the State of Minnesota as a whole, there are 1,369,945 non-Indian children under 18 years of age.*10 Of the total, 2242 non-Indians were adopted in 1971-72*11 by non-related petitioners, or one in every 611 children in Minnesota under 18 were adopted in 1971-72. This compares to one in every 76 Indian children under 18 (11,542 ÷ 152*12). Thus eight times as many Indian children under 18 were adopted in Minnesota in 1971-72 as non-Indian children, or, stated another way, 800% more Indian children were adopted in 1971-72 than non-Indian children, by population.

FACT: One in every 76 Indian children in Minnesota was adopted in 1971-1972, compared to one in 611 non-Indian children. Indian children are adopted today in Minnesota at a rate eight times the norm for non-Indian children.

IV. Of the 152 Indian children adopted by non-related petitioners in 1971-72, an estimated 127 were under one year old.*13 Using the same procedure (80% of all non-related adopted children are under one year of age at the time of adoption*14), 1794 non-Indians under one year of age were adopted in 1971-72. There were approximately 65,796 non-Indians under one year of age in Minnesota in 1971-72, using ~~estimated~~ 1970 census figures.*15 Thus, while one of every 4.4 under-one-year-old Indian children under one year old were adopted in 1971-72,*16 one of every 36.7 non-Indian children under one year old were adopted in 1971-72. Thus the rate of Indian adoptions under one year old, an ever-increasing rate, is 8.3 times the rate for non-Indians.

FACT: Indian infants -- under one year olds -- are adopted today at a rate 8.3 times (830%) greater than the rate for non-Indians in the State of Minnesota.

V. An average of 1817 non-Indian children per year under 18 have been adopted by non-relatives in Minnesota over the past 18 years.*17 This means that, given an average age at adoption of 3-4 months,*18 adoptions last an average of 17.66 years. Thus, 17.66 X 1817 or 32,088 non-Indian children under 18 are in adoptive homes in Minnesota. There are 1,369,945 non-Indians under 18 in Minnesota.*19 Thus, one out of every 42.6 non-Indian children under 18 in Minnesota is in an adoptive home. This compares to one out of every 8 Indian children.*20 Therefore, Indian children ~~are in~~ adopted homes at a rate more than five times that for non-Indian children in Minnesota.

FACT: Indian children are in adoptive homes at a rate more than five times that for non-Indian children.

VA. Since at current rates,*21 one in every four Indian children will be in adoptive homes within ten years, the comparative rate difference between Indian children and non-Indian children, if present trends continue, will be greater than 1,000% within ten years.

VI. There were a minimum of 262 Indian children in foster care in 1971-72 in the State of Minnesota.*22 This represents one out of every 48 Indian children.*23

FACT: A minimum of 262 Indian children under 21 are in foster care in Minnesota, or one out of every 48 Indian children.

VIA. Whereas, 7,288 non-Indian children under 21 were in foster care in 1971-72*24 of a total under 21, non-Indian population in Minnesota of 1,566,815.*25 Thus, one of every 215 non-Indian children were in foster care in Minnesota as compared to one in every 48 Indian children; or, the rate for Indian children placed in foster homes is 4-5 times the rate for non-Indians, or 450% greater.

FACT: Indian children are placed in foster homes 4-5 times as often as non-Indian children in Minnesota.

VII. An average of 259 Indian children are in foster care in Minnesota in any give year.*26

VIII. Given the 1971-72 figure of 262 children under 21 in foster care, it can be estimated that approximately 241 are under 18.*[27] Further, given 1413 Indian children under 18 in adoptive care,*[28] and 241 under 18 in foster care in 1971-72, a total of 1654 Indian children under the age of 18 were either in foster or adoptive homes in 1971-72. This represents one out of every seven Indian children in the State of Minnesota.

FACT: One out of every seven Indian children in Minnesota is in either a foster home or an adoptive home.

IX. Whereas, there are 7,238 non-Indian children in foster care in Minnesota under 21, an estimated 6,682 are under 18.*[29] Additionally, 32,088 non-Indian children are estimated to be in adoptive homes.*[30] Thus, 38,770 non-Indian children under 18 are either in a foster home or an adoptive home, or approximately one in every 35.5 non-Indian children under 18.*[31] Thus, Indian children are out of their natural homes, in foster or adoptive care at a rate more than 5 times that for non-Indian children.

FACT: Proportionally, five times as many Indian children as non-Indian children are in foster homes or adoptive homes.

FOOTNOTES:

1. Minnesota Department of Public Welfare, Annual Report, Adoptions, 1971-72, P. 14.

2. Ibid., P. 14.

3. Adoptions in 1971, U.S. Dept. of HEW, SRS, Program Statistics & Data System, National Center for Social Studies, P.3.

4. 1970 Census of Population, American Indians, Bureau of the Census, P.8.

5. Op.Cit. Minn. DPW - Adopt. - P.14.

6. Op.Cit. Census American Indian, P.8.

7. Op.Cit. Adoptions in 1971, HEW, p.3.

8. Op.Cit. Minn.DPW, Adopt. - P. 14.

9. Ibid., P. 17.

10. 1970 Census of Population, Age and Race of Population of the United States, by States: 1970; U.S. Dept. of Commerce, March,

11. Op.Cit. Minn. Dept. PW - Annual Report, Adoptions, 1971-72, P.22.

12. 152 American Indians under 18 were adopted by non-related petitioners in 1971-72; Op. Cit. Minn. DPW, Annual Report, Adopt. 1971-72, P.22.

13. See P.3, this report.

14. Op.Cit. U.S., Dept. HEW, SRS, Prog. State., P.3.

15. Op.Cit. 1970 Census of Pop., Age, Race Pop., U.S. Dept. of Commrce, P. 1-302 and Op.Cit. Census of Population, American Indian, Bureau of Census, P.8.

16. See P. 3, this Report.

17. Op.Cit. Minn. DPW, Annual Rep. - Adopt. - 1971-72, P. 14. Also: Averaging 79% non-related adoptions of non-Indians of total non-Indian adoptions: 79% of 2300 (average total non-Indian adoptions over 18 years).

18. Op.Cit., Adoptions in 1971, U.S. Dept HEW, SRS, Prog. Stat., P.3.

19. Op.Cit., Census of Pop., Age/Race Pop., U.S. Dept. of Commerce, P. 1-302. (1,381,487) less Indian under 18 population (11,542 - from U.S. Census of pop., American Indians, Bureau of the Census, P.9) = 1,369,945.

20. See P. 1, This Report.

FOOTNOTES: (Continued)

21. See P.2, this Report.

22. Minn. Annual Report for Indian Foster Care Contract (Year ending June 30, 1972, P.5 hereafter referred to as Minn. Foster Care, 1972. Also: This figure as opposed to adoptions includes 18-20 year olds.

23. Op. Cit., 1970 Census of Pop., American Indian Bureau of the Census, Pp.8-9.

24. Dept. HEW Publication No. (SRS) 73-03258, "Children Served by Public Welfare Agencies and Voluntary Child Welfare and Institutions, March, 1971, U.S. Dept. of HEW, Table 8. Hereafter: DHEW Public. Less 262 American Indians in foster care = 7288.

25. Op.Cit. 1970 Census of Pop. Age-Race, U.S. Dept. of Commerce, P.1-302. and Op.Cit. Census of Pop., American Indian, Bureau of Census, P.8.

As follows: Under 18 Minneapolis Pop. 1,381,487
Estimated Pop. 18,19 & 20-yr.olds. 198,000
1,579,487
Less Indian Pop. under 21 12,672
1,566,815 ÷ 7,288

26. Op.Cit., Minn. Foster Care, 1972, P. 4, "Case Openings and Case Closings, 1962-1972."

27. An average of 12 children/age group are in foster care (259 ÷ 21), but far fewer are between the ages of 18-20 proportionally than in other age groups. I have estimated 7 per year or 21 total for 18-20 age group.

28. See P. 1, this report.

29. Using same procedure as in Sec.VIII, this report, see footnote #27.

30. See P.5, Sec.V, this report.

31. 1,369,945 ÷ 38,770, or total under 18 non-Indian pop. divided by non-Indian adoptive children and foster care children.

ASSOCIATION ON AMERICAN INDIAN AFFAIRS, INC.
432 PARK AVENUE SOUTH
NEW YORK, N. Y. 10016

ARIZONA

Basic Facts

1. There are 701,098 under-21-year-olds in the State of Arizona.[1]
2. There are 54,709 under-21-year-old American Indians in the State of Arizona.[2]
3. There are 646,389 non-Indians under 21 in the State of Arizona.

I. Adoption. In the State of Arizona, according to the Arizona Department of Economic Security, there is an average of 48 public agency adoptions per year of American Indian children.[4] Using federal age-at-adoption figures,[5] 69 per cent (or 33) of these are under one year of age when placed. Another 11 per cent are one or two years old; an additional 9 per cent are three, four, or five years of age; and 11 per cent are over the age of five. Using the formula then that 33 Indian children per year are placed in adoption for at least 17 years and an additional 15 Indian children are placed in adoption for a minimal average of 14 years, there are 771 Indian under-21-year-olds in adoption in Arizona. This represents one out of every 71 Indian children in the State.

Using the same formula for non-Indians (there is an average public agency placement of non-Indians in adoptive homes in Arizona[6] of 446 per year as of 1971). There are 7,168 non-Indians in adoptive homes at any one time, or one out of every 90 non-Indian children.

Fact: There are therefore by porportion, 1.3 times as many Indian children in adoptive homes as non-Indians.

II. Foster Care. According to statistics from the Bureau of Indian Affairs,[7] there were 522 Indian children in foster homes in 1972. This represents one in every 105 Indian children in the State. By comparison, there were 2,328 non-Indian children in foster homes in 1972,[8] representing one out of every 278 non-Indian children in the State.

Fact: By rate therefore Indian children are placed in foster homes 2.6 times more often than non-Indians in Arizona.

III. Adoptive Care, Foster Care, and Boarding School Attendance. In the above figures it will be noted that the State of Arizona shows an unusually low number of Indian adoptions and foster home placements by comparison to other states with substantitive Indian population. The reason for this is clear: the large number of Indian children attending boarding schools full time. In Arizona alone 12,342[9] Indian children attend boarding schools, or one out of every 4.4 Indian children under 21 years old in the State. Therefore, a more proper way of computing the number of Indian children who do not live in their natural homes in the State of Arizona, is to include the boarding school figures.

When this is done, it can be seen that the combined total of Indian children in foster homes, adoptive homes and boarding schools is a minimum of 13,635,[10] representing more than one out of every four Indian children in the State.

Since no non-Indians are forced to go to federal boarding schools, the non-Indian figure of 9,496[11] non-Indian children in adoptive homes and foster homes remains the same, thus representing one out of every 268 non-Indians.

Fact: In other words, Indian children are out of their homes and in foster homes, adoptive homes, or boarding schools at a rate more than 17 times greater than that for non-Indians in the State of Arizona

Statistics:

Number of Indian children adopted in Washington State in 1972

48 went through adoption process

33 went to non-Indian parents

15 went to Indian homes

Total number of Indian children in foster homes in Washington State is 684

Total number of licensed Indian foster homes in Washington State is 99

Number of Indian children there are on juvenile parole is 67

Number of Indian children in institutional care is 48 (boy's ranches, group homes, etc.)

Number of Indian children in juvenile rehabilitation institutions (sent through court) is about 35

Statement:

Recent review of Indian foster children served by the Department of Social and Health Services in Washington State indicates:

1. Almost no prevention services are being delivered to the Indian families.
2. State caseworkers have difficulty in relating to Indian family service and child protection service for their Indian clients.
3. When an Indian child is in foster care the communication and relationships are a mess.

In order for things to work out, the following people and/or groups have to communicate: caseworker, foster parents, Indian child, the child's family, Tribe or Tribal community, and the BIA.

4. The review indicates that these children are almost always uprooted from their culture, relatives, and Tribal community.

5. The general inexperience and insensitive attitude and poor training of many caseworkers adds to the problem.

6. There are no Indian group homes in the State and there is a tremendous need for Indian foster homes and receiving homes.

7. Many Indian children who are eligible to be enrolled but are in foster homes and adoptive homes do not become enrolled.

8. There is a tremendous communication and service problem between the county juvenile courts and Indian Tribes and people in the area of foster care and adoption.

The Department of Social and Health Services Indian Desk said, "We recommend that jurisdiction over juvenile matters be turned back to those Tribes who want to handle it themselves on the basis of the material gathered in this review and other material we have in our records."

Mel Tonasket

Senator BARTLETT. Gov. Robert E. Lewis, we're very happy to have you. We still have quite a few witnesses, so if you could highlight, it all will be printed in the record and you can highlight it.

STATEMENT OF GOV. ROBERT E. LEWIS, PRESIDENT OF THE NATIONAL TRIBAL CHAIRMAN'S ASSOCIATION, ZUNI, N. MEX.

Governor LEWIS. I would like to read from my statement. It's not too long.

Senator BARTLETT. That would be fine.

Governor LEWIS. My name is Robert Lewis. I am governor of the Pueblo, Zuni, N. Mex., and president of the National Tribal Chairmen's Association. I appreciate this opportunity to testify relative to the needs of Indian children and their families.

There is a growing concern and anguish in Indian country over the increasing numbers of Indian children being removed from their natural homes. Removal of the children by BIA social workers and county welfare workers is regarded as the most frequently related to problems generated by abuse of alcohol, which is prevalent in Indian country.

Poor living conditions, unemployment on reservations, and other factors create a breakdown of the concept of the extended family. No longer is there a willing grandmother, aunt, or sister who will assume child care for a relative. Often a sick or distraught Indian mother seeks to place her children off the reservation in a non-Indian home because of alienation with her own relatives.

Foster home care, as it is known by the non-Indian culture, is a new way of life for Indian people. To apply for a license, to meet standards set by a State welfare association, and to receive pay for caring for a child are ideas difficult to introduce to traditional Indian people. Non-Indian social workers not accustomed to the lifestyle of an Indian family and the different cultural mores are often unwilling to place Indian children in Indian homes. A State may refuse to license foster homes on reservations because of jurisdictional conflicts. There have been cases of differential payment to foster parents on Indian reservations and foster parents off reservations. Social workers sometimes do not inform relatives they are eligible for payment if children are placed with them.

Placing a child off reservation poses other problems such as eligibilities for health and educational services. The Indian parent must face a county welfare system to get this child back.

Before discussing the cultural impact on Indian children placed in off-reservation homes, I want to emphasize the tremendous psychological impact on the Indian parent who are in effect told they are "bad parents." The loss they suffer when their children are removed has impact on them the rest of their lives.

Children who are removed from their parents—in some reservations, over 23 percent of the children are off reservation in foster homes—suffer severe psychological damage for the rest of their lives. An IHS consulting psychiatrist describes this as "lack of parenting" and the results of this loss leaves an adult with a sense of incompleteness. There is some indication that this loss leads to alcoholism and other psychological damage.

41-455 O - 75 - 17

Children who must adjust to a new way of life away from their own cultural group often must overcome a language barrier, adjust to a new religion, learn new foods, and are often faced with overt and covert racism. Some families, hopefully rare, assume care for Indian children for reasons of religious zeal, or even more appalling, to show off their liberal ways. This is called "rent an Indian program" by an Indian professional who is aware of such liberal practices.

The continued removal of children from the reservation contributes to destruction of the family. A woman BIA superintendent said recently, in a speech, that destruction of the Indian family was one of the most serious problems on the reservation today. Lack of resource and capability at the reservation level will continue to facilitate child removal. Emphasis on placement in off-reservation homes will cause the Indian family to view itself as incapable, remove its sense of responsibility and unity, and contribute to continued destruction of the Indian way of life.

There is a significant number of Indian children who have special needs, who are placed by the BIA for care outside their own homes in foster family homes, boarding schools, and other child care facilities. In order to give assistance to the growth and development of the whole child, the North American Indian Women's Association, NAIWA, undertook the development of a prototype program for Indian children with special needs, as these needs have never been documented.

I recommend for your review the final report of the NAIWA relative to this important subject, which was recently published. The report is entitled "North American Indian Women's Association—Prototype Program for a National Action for Special Needs of Indian Children Program." This report is 100 pages in length, and I will not attempt to summarize it in its entirety here. However, I would like to highlight a few of the recommendations therein because I feel they are pertinent to your inquiry. Please note these are only a few of the final recommendations made by NAIWA. There are many more, all worthy of your attention.

In the area of foster child care for Indian children, NAIWA recommends:

1. When at all possible, Indian children should be placed with Indian foster parents.

2. In licensing Indian foster parents, the primary consideration should be love and understanding, not the physical standards of the house. The house should meet community standards and have space to shelter the child.

3. There should be an active effort to recruit Indian foster parents.

4. The possibility of subsidized adoption should be considered by those dealing with Indian children.

Also, in the area of program improvements desired for Indian students who have special needs and who attend boarding school or dormitories:

(*a*) Have funds commensurate with each program in order to meet the needs of the school.

(*b*) Have cottage type living or small group living in dormitories to lower ratio.

(*c*) Have parental, community, and tribal involvement and support.

(*d*) Have remedial programs in all boarding schools in the following order of need: Math, science, reading, language arts, English, and social studies.

(*e*) Have programs to stimulate a code of life that will aid the Indian student to function effectively in present day society, including strong leadership training together with emphasis on cultural awareness.

(*f*) Have flexibility in selecting training and putting staff together to accomplish goals by defining and assessing needs of the students and developing program and service to meet the needs on the part of all staff.

5. In the area of children who have special needs and are generally cared for in specialized institutions:

(*a*) In order to alleviate the environment deprivation of the boarding school child, the home living staff should be increased.

(*b*) The possibility of placing the exceptional students in boarding schools in urban areas should be considered.

(*c*) Group homes should be established on reservations to serve the teenager.

(*d*) Specialized boarding schools should be established in each area to serve the child who must attend boarding school because of social problems. Such a school would have a small teacher-student ratio and a small number of children in each home living unit. It would provide psychological counseling and psychiatric counsultation. It would be geared toward preparing the child to reenter his boarding school or return to his home environment.

Gentlemen, as indicated, this report contains many more extremely relevant recommendations concerning the needs of Indian children and their families. Whether or not you concur with these recommendations, is, of course, entirely up to you. However, I wish to point out that this study and its conclusions represent the combined efforts of a group of Indian women very much concerned for their children. It is their way of conveying their concerned to individuals and groups such as you, and I hope you, in turn, will be responsive to this concern.

Now, I would like to present to the chairman the first copy of the report that was set up by this Indian Women's Association. They are in print and will be delivered; I feel that this first copy should go to the chairman.

Senator BARTLETT. Governor Lewis, thank you very much.

We will accept this on behalf of the chairman. I know he will be very appreciative of it.

I know that Mrs. Cox played a very big role in this report, in its preparation, and received an award the other day. My wife had the pleasure of being there to celebrate with her.

I appreciate your outline as to the various suggested areas that are in the report.

Has the tribal organization been studying this area, and if so, what areas of concentration or what areas of concern have been discussed, and are there efforts underway to have an overall effort by all the tribes in being aware of the problem of taking action to reduce the number of young people who are placed in foster homes, to increase the number of Indian families available for foster parents and so on?

Governor LEWIS. Senator Bartlett, I feel that this inquiry regarding child welfare has been brought to the attention of your committee

because of the concern of parents on many reservations. I will not speak for individual tribal reservations that are away from our home, and I feel that there is this problem.

We have basic problems among ourselves as tribes, but there are problems that are unique to individual tribes. I have had no record, as far as my people are concerned, of having orphans, as the previous speaker mentioned. We are close in family relationships and kinships, blood kinship through the Kiva groups and Medicine Lodge groups, so we are relative to one another on down the line.

Even though fine relationships are not blood kinships they are this close in caring for one another. Our family, before we got into the housing program, were also extended families. Sometimes even as many as four families living in one dwelling. This progress that any tribe can make, or have to concern themselves with, in social problems is always an aftermath and we are already, as a tribe, concerned about what may happen and we are trying to prepare ourselves to take care of this situation as they come.

We are concerned also with the old people. So, we are making plans now to set up care centers and foster home type of facilities; even maybe on a temporary basis for neglected children that may come on as we go along. And, also take care of our older people who need to have supervised feedings on many occasions, where the families are not able to do this.

We are hoping that in this way we can keep them close to home, or at home instead of sending them out because they cannot speak the English language and they have no interpreters away from home to interpret their needs and their wants.

Senator BARTLETT. Does your tribe or tribal organization either have a committee or have the capability of keeping track of the youngsters who are placed in the foster homes, of monitoring the whole problem area of having legal counsel available, if necessary?

Governor LEWIS. Yes, sir.

Up until now, we do not have any of our children in foster homes.

Senator BARTLETT. How many are there in the tribe?

Governor LEWIS. We're very close to 6,000 as compared to a little over 2,000 in the 1930's.

Senator BARTLETT. We've had testimony that the boarding schools have led to a poor educational experience for the student and also led to psychological problems for the student. Do you have any observations on those comments?

Governor LEWIS. We have been observing the boarding schools that are near our home areas, and I would agree that in some areas, there is a lack of assistance to invite student interest to continue to keep up their studies.

There is laxity in areas of discipline and the waste of time that we observe that is going on as far as our young people are concerned concerns us very deeply.

I am a boarding school product myself. I went to boarding school from the time I was 6 until the time I was 18, 6 until 18, and I know we had rigid discipline. We had harsh treatment at times, but I am not complaining.

However, in this day, there's so many methods of making it easier and a learning process for children. I really feel that there has to be a system worked out that teachers, themselves, can be allowed to

innovate the way they would like to, or the individual classes, to keep the student interested.

Many times the student ratio, the student-teacher ratio is quite large and we do have some students who are slow, like I was, myself; and they need special attention to keep up with the rest of the class.

Senator BARTLETT. Do you feel that in boarding school education that there is a tendency to erode the strong family ties that are the heritage of Indian families just by the nature of the boarding schools themselves?

Governor LEWIS. Right now, I would not go wholeheartedly in thinking that it is happening. For instance, the Albuquerque Indian School has a new program where they have been busing Indian students home on weekends, Friday evening, and then they return on Sunday afternoon to take them back to school.

I think programs like this, where many parents financially are not able to make the trips to bring their children home and the institute does it; this is looking forward to keeping the family relationship in a closer well. Certainly my people have a year-round religious cycle of activities going on, and the students participate in observances, the boys take part.

This trip home furnished by the Government is something that really has made many of my people thankful for.

Senator BARTLETT. How many youngsters of school age have you and how many of those are in boarding schools?

Governor LEWIS. We have, right in our own community schools, 2,016 students enrolled in three schools. Two are parochial, three public schools. Out of this, we have about, I would say in round figures, 68 of our children who are in boarding schools, either in Albuquerque, Santa Fe, or Phoenix.

Senator BARTLETT. How are they selected?

Governor LEWIS. They are selected, or we select them on the desire of the student in concurrence with their parents. Oftentimes the students themselves have some specific reason for not wanting to attend school in Zuni and have a desire to, perhaps, go to Phoenix or to one of the other two institutions that I mentioned. We are given a letter by the student stating the reason why they would like to go to an institution away from home, and of course the parents are also mixed in with the student desire.

Senator BARTLETT. Governor Lewis, thank you very much.

If you have some other thoughts that you think are pertinent to this whole area, we hope that you will submit them to us. The record will be open for 2 more weeks.

Governor LEWIS. Thank you, sir.

Senator BARTLETT. Thank you very much.

[The report referred to by Governor Lewis follows:]

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20242

IN REPLY REFER TO:

Social Services

MAR 14 1974

Mrs. Marie Cox
Project Director, Prototype Program for
Indian Children with Special Needs
3201 Shadybrook Drive
Midwest City, Oklahoma 73110

Dear Mrs. Cox:

It is with much pleasure that I received from you the report of the North American Indian Women's Association, "Prototype Program for 'A National Action for Special Needs of Indian Children Program'". I am greatly impressed by the volunteer efforts and careful work of yourself and the 36 Indian women leaders whom you recruited as volunteers to conduct the survey of the Bureau's programs for the care of Indian children who must live away from their own homes.

The information from the comprehensive questionnaires completed by survey personnel through interviews with approximately 275 Indian persons in the Bureau's service population area is invaluable. I am pleased that you were able to interview persons who together represent a broad spectrum of experience such as tribal leaders, adults who received foster care when they were children, parents whose children now receive foster care under Bureau programs, and youths now attending boarding schools. I am pleased, too, that you interviewed personnel in the Bureau as well as in non-Bureau programs which provide such care for children.

The study is the first of its kind. The nature and outstanding quality of the survey and the recommendations arising from it, demand of the Bureau a most careful consideration. The Association's report will be given careful study at all levels of the Bureau's operation with a view to implementing many of the recommendations as soon as possible. I believe certain of the recommendations will require our joint efforts for their accomplishment.

I look forward to maintaining what we have begun, communication between members of the Indian community concerned for children with special needs and the Bureau. Such joint efforts are necessary to the improvement of services for these children and to be ready to meet the new challenges that will arise inevitably, in the dynamic times in which we live.

Sincerely yours,

Morris Thompson

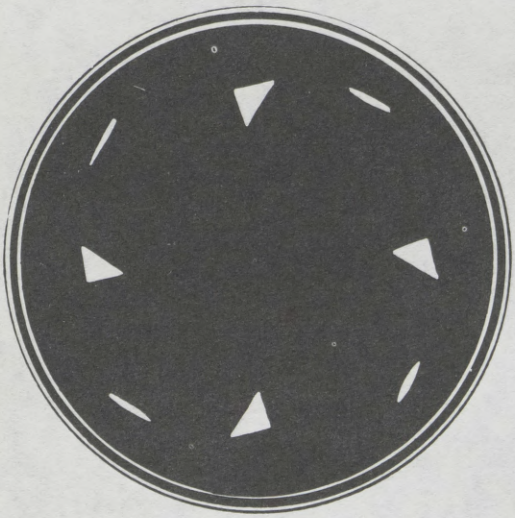
Commissioner of Indian Affairs

NORTH AMERICAN INDIAN WOMEN'S ASSOCIATION

PROTOTYPE PROGRAM

For

"A National Action For Special Needs Of Indian Children Program"



Under Contract No. K51C14200761
Bureau of Indian Affairs

NORTH AMERICAN INDIAN WOMEN'S ASSOCIATION, INC.

PROJECT REPORT

FOR

DEVELOPMENT OF A PROTOTYPE PROGRAM

FOR

INDIAN CHILDREN WITH SPECIAL NEEDS

CONTRACT NUMBER

K51C14200761

WITH

BUREAU OF INDIAN AFFAIRS

WASHINGTON, D. C. 20242

DATE OF REPORT

DECEMBER 15, 1973

EFFECTIVE DATE OF CONTRACT

MARCH 20, 1973

INTRODUCTION

American Indian women are greatly concerned about the Indian children who have special needs. As a national association of American Indian women, the North American Indian Women's Association passed five resolutions during its first National Conference held at the Fort Sill Indian School, Lawton, Oklahoma, June 16-18, 1971.

The fourth resolution dealt with exploring the possible solutions to aid in the development and growth of Indian children who are orphans, delinquents, retarded, abandoned or have social problems.

Realizing that to date, the effect of the recognized shortage in the Bureau of Indian Affairs staff positions had not been documented, nor was there identification of the need for improvement by Area Office and Agency, therefore, the founding National President concluded that the initial step to solving the problem (Special Needs of Indian Children) begin with a survey to document where improvements are needed.

Since this is a prototype program, the questionnaires used had to be developed by the Director of the project and her two Administrative Assistants.

A large number of Indian children who have special needs, are placed by the BIA for care outside their own homes in foster family homes, BIA boarding schools and other child care facilities. In order to give assistance to the growth and development of the "whole child", it was necessary that the Social Services Department and the Education Department of the BIA enter jointly into a contract, #K51C14200761, with the North American Indian Women's Association as of March 20, 1973, with the purpose of the development of a prototype program for Indian children with special needs.

We North American Indians are caught up in today's unrest that is not only national, but world wide. The semi-cultural change that we find ourself in today compounds the struggle that we must face in our "every day life." Therefore a special effort must be brought forth to bring about a more meaningful life to American Indian children.

Mrs. James M. (Marie) Cox

Mrs. James M. (Marie) Cox, of the Comanche Tribe
Director and Administrator
NAIWA Project #K51C14200761

ACKNOWLEDGEMENT

The North American Indian Women's Association for NAIWA Project #0761 acknowledges the sincere cooperation of the employees of the Bureau of Indian Affairs, the State Welfare Departments, and the Indian women of NAIWA who worked as Representatives and Interviewers on this survey. Also, we wish to acknowledge the cooperation of Tribal Leaders and Indian people in general who were concerned about the welfare of needy Indian children.

We appreciate the consolidated effort of all concerned that worked on this project #0761, with the hope that Indian children will have an equitable place in todays society.

OFFICE STAFF

Mrs. James M. (Marie) Cox, Director and Administrator

Mrs. Judy Baggett, Administrative Assistant, Social Services

Mrs. Mildred Cleghorn, Administrative Assistant, Education

Mrs. Mildred Ferguson, Clerical Assistant

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PURPOSE AND OBJECTIVES OF THIS CONTRACT

The purpose of this contract is as follows:

PURPOSE. The purpose of this contract is to develop a prototype program for Indian children with special needs by conducting a survey of present practices of caring for Indian children whose well being is under the jurisdiction of the Federal Government in foster families; Indian students in Government operated boarding schools and dormitories or Indian students in specialized institutions and to submit a report containing the recommendations and viewpoints of representative Indian citizens regarding present practices and future goals and requirements.

The objectives of the survey are as follows:

OBJECTIVES.

1. Reforms needed in handling foster child care for Indian children:

   a. Review the Bureau's foster child care programs and procedures.
   b. Review foster child care programs of various agencies, other than the Bureaus, i.e. state, county, private, institutions, etc.
   c. Interview on and off Indian reservation, parents of children in foster care; Indian adults who as children received foster care; foster parents of Indian children or youth receiving such care.
   d. Interview Indians who received at some time foster care services.

2. Program improvements desired for Indian students who have special needs and who attend Bureau boarding schools or dormitories.

   a. Type of guidance and counseling services received and needed.
   b. Whether and to what extent academic tutoring is needed.
   c. Whether remedial programs are necessary and what subjects should be taught.
   d. Whether students demonstrate in interview settings the academic competencies being taught.
   e. Employee attitudes toward students, parents and jobs.
   f. Student attitudes toward teachers, other school employees, parents and environment.
   g. What other types of programs need to be developed, with Indian values if desired, for stimulating a code of life that will aid the Indian student to function effectively in present day society.

3. Consideration of Indian children who have special needs and are generally cared for in specialized institutions.

a. Assessment of learning abilities.
b. Correction of environmental deprivation.
c. Overcoming sociological retardation.
d. Counseling concerning excessive trouble at home.
e. Counseling concerning excessive trouble at school.
f. Problem of just wanting a change.
g. Reports on innovative programs for academically gifted Indian youth who receive care from the Federal Government while residing away from their homes.

METHOD FOR DEVELOPING NAIWA SURVEY

1. RESOLUTION

A resolution was passed by the NAIWA at the first National Conference held at Fort Sill Indian School, Lawton, Oklahoma, June 16 - 18, 1971, concerning special needs of Indian children. The resolution reads as follows:

RESOLUTION NUMBER 4

WHEREAS, Indian children who are orphans, delinquents, retarded, abandoned, or have social problems need special care and attention, and

WHEREAS, no facilities are available which would aid in the development and growth of these children, and

WHEREAS, the special needs of these children are of great concern to NAIWA

NOW THEREFORE, BE IT RESOLVED that the Executive Committee of NAIWA investigate the possibilities of aiding these children by whatever means necessary, and

BE IT FURTHER RESOLVED that NAIWA support this resolution by giving top priority to exploring possible solutions to this problem, including possible solicitation of funds or establishment of adequate facilities.

ADOPTED BY THE NORTH AMERICAN INDIAN WOMEN'S ASSOCIATION June 18, 1971, during the First Annual Conference of this Association at Fort Sill Indian School, Lawton, Oklahoma

ATTEST:

Mrs. James M. (Marie) Cox
National President, NAIWA

Miss Patricia Littlewolf
Secretary, NAIWA

MEMBERS OF RESOLUTIONS COMMITTEE:

Mrs. Hildreth Venegas (Chairman)
Mrs. Ernestine Jim
Mrs. Margie Wooten
Mrs. Juana Lyon
Mrs. Ethelyn Conseen

2. PROPOSAL

As the result of a unanimous decision by the Executive Committee of NAIWA on November 17-18, 1972, at Busby, Montana, Mrs. James M. (Marie) Cox, was granted authority to develop and direct a proposal to the Bureau of Indian Affairs for a National Action for Special Needs of Indian Children and a National Action for Special Needs of the Adolescent Indian child who may or may not come under the jurisdiction of the Bureau of Indian Affairs.

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A copy of the proposal, with letters of transmittal to the Bureau of Indian Affairs, Chief, Social Services, and the Bureau of Indian Affairs, Education Specialist, Washington, D. C., is as follows:

December 1972

Mr. Ray V. Butler
Chief, Social Services
Department of the
Bureau of Indian Affairs
1951 Constitution Avenue, N. W.
Washington, D. C. 20242

Dear Mr. Butler:

In reference to the memorandum of the "North American Indian Women's Association" sent to the Bureau of Indian Affairs in Washington, D. C. on October 30, 1972, I am writing you this letter to inform you that I have met in an officially called meeting with the Executive Committee of NAIWA on November 17-18, 1972, at Busby, Montana. The memorandum of October 30, 1972, that was sent you, that deals with "A National Action For Special Needs of Indian Children Program", was discussed and a motion was made and passed unanimously that I, Mrs. James M. (Marie) Cox, continue to direct the above mentioned plan, and that I continue with the plan to carry it to its fruition.

I have met with you and Mrs. Clare G. Jerdone, Social Service, BIA. Mr. George Scott and Mr. J. D. Fosdick, Education Department, BIA, and I have discussed the above mentioned plan that deals with the special needs of Indian Children. I feel that we now have arrived at a stage in our planning that NAIWA should submit a proposal to the Bureau of Indian Affairs for your consideration and the development of a contract between the "North American Indian Women's Association" and the Bureau of Indian Affairs to conduct the project as described in the outline for "A National Action for Special Needs of Indian Children Program".

Enclosed you will find a proposal to the Social Services Department of the Bureau of Indian Affairs and the Education Department of the Bureau of Indian Affairs that the "North American Indian Women's Association" is submitting to you.

Most sincerely,

Mrs. James M. (Marie) Cox--of the Comanche Tribe
National President -NAIWA
3201 Shadybrook Drive
Midwest City, OK 73110

December 1972

Mr. J. D. Fosdick
Education Department
Bureau of Indian Affairs
1951 Constitution Avenue
Washington, D. C. 20242

Dear Mr. Fosdick:

In reference to the memorandum of the "North American Indian Women's Association" sent to the Bureau of Indian Affairs in Washington, D. C. on October 30, 1972, I am writing you this letter to inform you that I have met in an officially called meeting with the Executive Committee of NAIWA on November 17-18, 1972, at Busby, Montana. The memorandum of October 30, 1972, that was sent you, that deals with "A National Action for Special Needs of Indian Children Program", was discussed and a motion was made and passed unanimously that I, Mrs. James M. (Marie) Cox, continue to direct the above mentioned plan, and that I continue with the plan to carry it to its fruition.

I have met with you and Mr. George Scott of the Education Department of the Bureau of Indian Affairs, Mr. Ray Butler, and Mrs. Clare G. Jerdone, Social Services, Department of BIA, and have discussed the above mentioned plan that deals with the special needs of Indian Children. I feel that we now have arrived at a stage in our planning that NAIWA should submit a proposal to the Bureau of Indian Affairs for your consideration and the development of a contract between the "North American Indian Women's Association" and the Bureau of Indian Affairs to conduct the project as described in the outline for "A National Action for Special Needs of Indian Children Program".

Enclosed you will find a proposal to the Social Services Department of the Bureau of Indian Affairs and the Education Department of the Bureau of Indian Affairs that the "North American Indian Women's Association" is submitting to you.

Most sincerely,

Mrs. James M. (Marie) Cox, of the Comanche Tribe
National President-NAIWA
3201 Shadybrook Drive
Midwest City, OK 73110

A PROPOSAL
FOR THE
NORTH AMERICAN INDIAN WOMEN'S ASSOCIATION

SUBJECT

A. "A National Action for Special Needs of Indian Children Program"

B. "A National Action for Special Needs of the Adolescent Indian Child Who May or May not Come Under the Jurisdiction of the Bureau of Indian Affairs"

C. Work Requirements

D. Budget

Submitted by:

The "North American Indian Women's Association
c/o Mrs. James M. (Marie) Cox, of the Comanche Tribe
National President
3201 Shadybrook Drive
Midwest City, Oklahoma 73110

NORTH AMERICAN INDIAN WOMEN'S ASSOCIATION

"A National Action for Special Needs of Indian Children Program"
Submitted by: Mrs. James M. (Marie) Cox, National President

TO:
DATE: December 1972
SUBJECT: A Prototype Program for Indian Children with Special Needs

A. A plan for Indian children who have special needs and are attending Bureau of Indian Affairs Boarding Schools.

B. A Statement on Indian children who fall within the category of the Bureau of Indian Affairs' Foster Care Program.

C. A plan for Indian children who have special needs and do not come under the jurisdiction of Bureau of Indian Affairs.

The NAIWA is greatly concerned about the Indian children who are orphans, delinquents, retarded, abandoned, and those who have social problems. These children are in need of special facilities such as foster parents, dormitory personnel, and personnel to aid in their development and growth. Since a large number of Indian children are placed by the BIA for care outside their own homes in foster family homes, boarding schools, and other child care facilities, the NAIWA is very much concerned about the welfare of the above-mentioned children within the boarding school.

Within the boarding school, this would include consideration for:

1. Intensive guidance and counseling service
2. Academic tutoring
3. Remedial programs in various subjects taught
4. Language skills
5. Other programs needed to develop a code of life that will aid the Indian student to function effectively in the present day society, and if so desires, with Indian values
6. Employee attitudes toward students, parents, and jobs
7. Students' attitudes toward teacher, other school employees, parents, and environment

Indian children who are in need of foster homes, special foster care facilities including institutions for the treatment of special problems, require Indian foster parents and group care personnel to aid in the children's

development and growth. We are anxious that Indian children be placed with Indian foster parents if at all possible, and that infants and children be placed with Indian adults when it is necessary that the infant or child be adopted.

As National President of NAIWA, and acting on the desires of the membership in regard to Resolution IV passed at the 1971 National Conference of NAIWA, I have been in conference with Mr. Ray Butler, Director of Social Services, and Mrs. Clare Jerdone, Principal Child Welfare Specialist, BIA, Washington, D. C., Mr. George Scott, Deputy Director, Office of Education, and Mr. J. D. Fosdick, Education Specialist, BIA, Washington, D. C. The above-mentioned persons and I have drafted a plan whereby NAIWA will be able to conduct a national survey that will deal with the Special Needs of Indian Children.

I, as National President of NAIWA, called an official meeting of the National Executive Committee of NAIWA. We met in Busby, Montana, November 17-18, 1972. I presented a plan drafted for "A National Action For Special Needs of Indian Children Program" to the Executive Committee for consideration. A motion was made and passed unanimously that I, Mrs. James M. (Marie) Cox, continue to direct the above-mentioned plan for "A National Action For Special Needs of Indian Children Program" and that I continue with the plans to carry the above mentioned program for special needs of Indian Children to its fruition.

To date, the effect of the recognized shortage in BIA staff positions has not been documented, nor is there identification of the need for improvement by Area Office and Agency, therefore, it is necessary that the initial step to this program begin with a survey.

The Survey plans will provide:

A. A Seminar (two days) to train Indian women, who are members of NAIWA, to conduct a survey of this type.

The survey will consist of:

1. A survey of the Bureau of Indian Affairs' "Foster Child Care Program" for Indian children.

2. A survey of other foster child care agencies within the U. S. (other than BIA).

3. Indian foster care parents

4. Indian children in foster care, or who have been in foster care.

5. Indian children within Indian Boarding Schools.

6. Guidance Counselors within Indian Boarding schools

7. Dormitory attendance, men and women.

8. Other employees within Indian Boarding schools whose knowledge of the boarding school system would be valuable to the betterment of the special needs of Indian children.

9. The "Work Requirement Plans" that will be necessary to carry on this survey is enclosed and will indicate, in detail, as to the method NAIWA will implement to achieve the above-mentioned survey.

In order that there be no confusion nor conflict with any other organization or BIA function, NAIWA would like to have the assurance in writing that no other organization, or BIA function, will be working with the Bureau of Indian Affairs on this type of survey, or program for Indian children.

It is the hope of the NAIWA that the survey we propose to undertake for the BIA will document and identify where there is need for improvement in its foster care program and where improvement is needed in the BIA boarding school system. Upon identification of the needs for improvement, the American Indian Women's Association will submit recommendations for achieving such changes and will follow-up the recommended program to assure Indian children an equitable place in American society.

"A National Action for Special Needs of the Adolescent Indian Child Who May, or May Not, Come Under the Jurisdiction of the Bureau of Indian Affairs."

SUBJECT: Special Needs of the Adolescent Indian Child

NAME: EDUCATIONAL DEVELOPMENT HOME

It is the hope of the North American Indian Women's Association that this project will establish an in-depth study as to the treatment plan for adolescents who are in need of a group living environment that will provide interaction with his or her age group associates and peers, and thereby establishing a code of life that will aid him or her to function effectively in present day society, if he so desires, with Indian values.

It is our hope that we may provide "early help" before the troubled adolescent leaves home or drops out of school.

THE ADOLESCENT CONSIDERED HERE ARE THOSE WHO SUFFER FROM:

1. Learning Disabilities
2. Environmental Deprivation
3. Sociological Retardation
4. Excessive Trouble at Home
5. Excessive Trouble at School
6. "Wanting a Change" (A part of maturation for some)

REFERRALS:

1. Schools
2. State Social Workers
3. Police
4. Teenagers themselves or their friends
5. Church
6. The Courts
7. The Parents

The adolescent and his or her parents or legal guardian must consent to his or her entering the Educational Development Home

LENGTH OF STAY:

1. At a time when the adolescent wants to return home
2. Until the age of twenty (20) years, if necessary
3. If she or he cannot adjust to the Educational Development Home Program

STAFFING AND OTHER REQUIREMENTS FOR THE EDUCATIONAL DEVELOPMENT HOME

Each home housing six to twelve adolescents and a pair of house parents.

STAFFED BY:

- Director
- Teachers
- Cooks
- Social Workers
- Janitor
- Nurse on call
- Doctor on call

RESOURCES AVAILABLE:

- Psychology Testing
- Vocational Testing
- Medical Care (Involves Indian Division of Public Health)

REQUIREMENTS:

- Fire Protection
- Police Protection
- Adequate water and sewage
- Meet zoning laws of city

The North American Indian Women's Association will develop more extensively, at a later date, the following:

A. Policies and procedures for boys and girls accepted
B. Organizational structure
C. The physical plant, etc.

PART 100 WORK REQUIREMENTS

101 OBJECTIVES: The Contractor will provide the necessary qualified personnel, and all materials, equipment, facilities, and services required to conduct a survey and to prepare and present a report to the Commissioner of Indian Affairs containing recommendations representative of the viewpoints of Indian citizens relative to the results of present practices and to the desired goals of the Government's program of care for Indian children in foster families, specialized institutions, and in boarding schools.

102 Select as Director, a member of NAIWA, an Indian person qualified by demonstrated leadership among Indians and a strong concern for children who will plan the activities required by the contract.

103 Secure a person as an Administrative Assistant who is qualified by professional social work training and at least three years successful experience in agency foster care programs for children, who will assist the Director in coordinating the work under the contract, in analyzing reports of interviews, and other materials in preparing and formulating reports.

Secure another Administrative Assistant who is qualified by professional educational training and at least three years successful experience in Government Boarding Schools who will assist the Director in coordinating the work under the contract, in analyzing reports of interviews and other materials, and in preparing and formulating reports.

104 Select from each Area jurisdiction of the Bureau, except Sacramento, but including Southeast Agencies Office*, an Indian Representative, from among members of NAIWA, who has evidenced a concern for the foster care of Indian children; commands respect of the tribe of which she is a member; is known to other tribes in the Area jurisdiction; and who has demonstrated the ability to complete tasks assigned.

105 Secure training for Indian Representatives, from NAIWA membership, by professional Foster Care and Education experts as to elements in foster care including new approaches to combined foster care-education programs, in the organization of such programs, in the interviewing of program administrators, and in the selection of material for written reports. The Bureau will provide technical assistance on the development of the training program.

106 Secure written reports from Indian Representatives of their (1) visits to their respective Area Education Programs and Social Services Programs for the purpose of orientation to the Area programs for care of children away from their homes under Bureau programs, and (2) site visits, accompanied by an appropriate representative of the respective Area Offices

to at least one Agency Indian foster care program and one boarding school (where boarding schools are conducted).

107 Secure written reports of the interviews held by each Representative within their Area jurisdiction with the Administrators of at least two non-Bureau Foster Care programs. Where possible, one would be a combined Foster Care-Education program. The successful elements in these programs should be identified. The programs will be selected with approval by the Bureau to provide a wide range of locations and a comprehensive sample of non-Bureau programs. The Bureau will provide an outline for the interviews.

108 Select approximately 75 Indian Foster Care Consultants who are representative of all areas of the country where the Bureau provides care for children who are apart from their families. The Consultants among themselves will represent various kinds of foster care experience. At least ninety percent will be parents of children in foster care; adults who as children received foster care; foster parents; dormitory aides; and children or youth now receiving such care. The remaining ten percent may be case aides, caseworkers, supervisors, or administrators of foster care programs or boarding schools, Tribal Judges, Tribal Councilmen or other concerned Indians. The Bureau will assist upon request in identifying Indian persons with such experience.

109 Select from each Area jurisdiction, two Indian Interviewers, from NAIWA membership, except Navajo Area where five will be selected. The Interviewers will be Indian persons who have evidenced an interest in the education and foster care of Indian children, and who have demonstrated an ability to complete job assignments, including writing reports.

110 Provide training for the Indian Interviewers, from among NAIWA membership, which includes instruction in the elements of providing care for children apart from their families, in interviewing techniques, and in writing reports.

111 Secure written reports of the interviews with Indian Consultants held by the Indian Interviewers within their respective Area Jurisdiction. The purpose of the interviews is to secure the former's opinions as to the improvements needed in the Government's program of care for Indian children apart from their families.

112 Study and analyze the reports of the Indian Representatives and Indian Interviewers, and provide for a meeting of 10 selected delegates from among the Representatives and Interviewers, the Director, and the Administrative Assistants to review findings and to develop recommendations for the Commissioner.

113 Prepare initial statement of proposed activity, including a time plan for accomplishing the contract work; midpoint progress report and final report. The final report will be presented to the Commissioner. These and any other reports resulting from the contract activities become the property of the Government. By mutual agreement, these reports may be distributed by the Contractor to interested Indian individuals and others concerned.

114 By June 1, 1973, present the report to the Commissioner of Indian Affairs as to recommendations for the Government's program of care for children apart from their families.

3. TRAINING SEMINAR

a. A letter of invitation in the form of a memorandum was sent to all Indian ladies selected to assist in making this national survey. The letter read as follows:

March 22, 1973

MEMORANDUM

FROM: MRS. JAMES M. (MARIE) COX - NATIONAL PRESIDENT
NORTH AMERICAN INDIAN WOMEN'S ASSOCIATION

The NAIWA will hold a Seminar April 24-25-26, 1973, in Oklahoma City, Lincoln Plaza Inn, 4545 North Lincoln Blvd.

The above-mentioned seminar will deal with the first project NAIWA will undertake on a national scale, "A National Action for Special Needs of Indian Children Program." Due to the fact that the "Special Needs of Indian Children" has not, to date, been documented, the first stage of this project will begin with a survey. The seminar is to acquaint Indian women, of NAIWA, who are officially designated to make the survey, how to proceed with this type of a survey.

I met with the National Executive Committee of NAIWA in Busby, Montana in November '72. At this time, the "tentative proposal" of NAIWA to the Bureau of Indian Affairs that deals with our project "A National Action for Special Needs of Indian Children Program" was read in its entirety. Discussion followed and a motion was made that the above-mentioned proposal be accepted and that I, Mrs. James M. (Marie) Cox, proceed with the proposal and follow it through to its fruition. Motion carried unanimously.

The Social Services and Education Department of BIA are combining to fund this much needed survey. We will document the need where one exists, etc.

There are eleven Area Offices of jurisdiction under the BIA. One member of NAIWA will be designated from each area jurisdiction to attend the Oklahoma City seminar for all three days. These women will survey the professional social worker, BIA and state social service offices. On the second day (April 25) two other designated members of NAIWA will arrive from each area office of jurisdiction to attend the last day (April 26) of the seminar for training in the survey.

All members of NAIWA designated to attend the seminar at Oklahoma City will get their transportation (air travel) to and from Oklahoma City. They will receive per diem for three (3) days to pay room and board while attending the seminar ($25.00 per day). When the women are actually making the survey they will be paid per diem and mileage @ Ten (10) cents per mile.

The six executive Directors of NAIWA and the State Chapter Presidents of NAIWA will be designated to attend the April 24, 25, 26 seminar in Oklahoma City. This seminar is a working committee and not a business committee of NAIWA. I am trying to involve more NAIWA members in this endeavor. Where no Executive Director or State President exists, an NAIWA member will be designated to attend the seminar and work on the survey.

No personal insurance can be provided to those persons working with this project; therefore, those persons conducting surveys with this project should provide insurance to suit own personal needs at own expense. You, no doubt, have the above Public Liability and Property Damage insurance coverage necessary under your personal car insurance.

b. A seminar was held at Lincoln Plaza Inn, Oklahoma City, Oklahoma, April 24 - 26, 1973. This Seminar was for the purpose of training Representatives and Interviewers in current programs for Indian children away from their own homes and to instruct the Representatives and Interviewers in how to proceed in taking a survey. The complete details on this Seminar are as follows:

TO: All Persons who attended the Oklahoma City, Oklahoma, April 24-26, 1973, National Seminar of the NAIWA
FROM: Mrs. James M. (Marie) Cox

DATE: May 19, 1973

SUBJECT: Memorandum of the National Seminar

Now that the April 24-26, 1973, Seminar of the North American Indian Women's Association is history, I view it with satisfaction.

I am pleased that every person in attendance showed a deep concern and interest in the First Project NAIWA will undertake on a national scale, that being the "Special Needs of Indian Children".

With your continued interest and assistance on this project in the future days and years to come, perhaps we can say and feel that we have had a part in making these children have a more secure place in our society.

I am looking forward to working with you, and I would appreciate just hearing from you in friendship.

With Appreciation and best wishes.

Mrs. James M. (Marie) Cox-of the Comanche Tribe
Initial National President-NAIWA
3201 Shadybrook Drive
Midwest City, Oklahoma 73110 Pho. 405-732-2934

P. S.--The National Office and address of NAIWA is the same as above. The office for the BIA Contract is for the "Special Needs of Indian Children" Project only and is temporary in nature. Send all correspondence to the above address.

"A National Action For Special Needs of Indian Children Program"

NAIWA - SEMINAR

TRAINING PROGRAMS

for

REPRESENTATIVES AND INTERVIEWERS

in

PROGRAMS FOR THE CARE OF CHILDREN AWAY FROM THEIR OWN HOMES

held

APRIL 24-26, 1973

Lincoln Plaza Inn
Oklahoma City, Oklahoma

MEMORANDUM - May 5, 1973 - NAIWA

Under Contract No. K51C14200761
Bureau of Indian Affairs

Mrs. James M. (Marie) Cox
of the Comanche Tribe
NATIONAL PRESIDENT-NAIWA

MEMORANDUM

FROM: MRS. JAMES M. (MARIE) COX - NATIONAL PRESIDENT
NORTH AMERICAN INDIAN WOMEN'S ASSOCIATION

SUBJECT: REPORT ON THE NAIWA SEMINAR APRIL 24,25,26, 1973

The North American Indian Women's Association held a Seminar on April 24-25-26, 1973, in Oklahoma City, Oklahoma, at Lincoln Plaza Inn, 4545 North Lincoln Blvd. This Seminar dealt with the first project NAIWA will undertake on a national scale, "A National Action for Special Needs of Indian Children Program". The first stage of this project will begin with a survey. The purpose of this Seminar was to acquaint Indian women of NAIWA (who were officially designated to make the survey) how to proceed with this type of survey. This project will be completed to its fruition under BIA Contract No. K51C14200761.

Registration for the Seminar began at 8:00 a.m. April 24, 1973, in the Cherokee Room of Lincoln Plaza Inn. The general assembly convened at 9:00 a.m. with Mrs. James M. (Marie) Cox, National President of NAIWA, presiding. Mrs. Cox welcomed the representatives and interviewers and special guests to Oklahoma.

Mrs. Ursula Higgins, National Director of NAIWA Membership, gave the invocation.

Mrs. Cox introduced Mr. Hickory Star, Oklahoma Commissioner of Indian Affairs, who welcomed the conferrees in behalf of Governor David Hall, Governor of the State of Oklahoma and Mrs. Patience Latting, Mayor of Oklahoma City, Oklahoma. Mr. Star emphasized the great influence women have had in molding the affairs of this country. He challenged the delegation to plan and DO something constructive for the youth of this nation. He stressed that these young people are really OUR TODAY--not OUR TOMORROW. He wished the delegation a successful Seminar and offered his help in any way possible.

Introduction of special guests from the Bureau of Indian Affairs in Washington, D. C. and the Area Jurisdictions Area Offices and Agencies was made by Mrs. Cox.

Following the introductions, Mrs. Cox read the following Resolution Number 4 which was adopted during the First Annual Conference of the North American Indian Women's Association on June 16-18, 1971, at Fort Sill Indian School, Lawton, Oklahoma:

> WHEREAS, Indian children who are orphans, delinquents, retarded, abandoned, or have social problems need special care and attention, and

WHEREAS, no facilities are available which would aid in the development and growth of these children, and

WHEREAS, the special needs of these children are of great concern to NAIWA

NOW THEREFORE, BE IT RESOLVED that the Executive Committee of NAIWA investigate the possibilities of aiding these children by whatever means necessary, and

BE IT FURTHER RESOLVED that NAIWA support this resolution by giving top priority to exploring possible solutions to this problem, including possible solicitation of funds or establishment of adequate facilities.

ADOPTED BY THE NORTH AMERICAN INDIAN WOMEN'S ASSOCIATION June 18, 1971, during the First Annual Conference of this Association at Fort Sill Indian School, Lawton, Oklahoma.

Mrs. Clare Jerdone, Principal Child Welfare Specialist, Social Services, Bureau of Indian Affairs, Washington, D.C. discussed the NAIWA-BIA Contract K51C14200761. She emphasized the BIA had no vested interests in this contract and NAIWA judgments have jurisdiction. She gave an explanation of the various roles of NAIWA Representatives and BIA Personnel. She pointed out that although the date of the Contract says completion by June 1, 1973, this is not binding and a six months' period will be allotted for the accomplishment of this task. Mrs. Jerdone explained the co-operation and commingling between the Social Services Department and the Education Department of BIA that had brought this contract to its initiation. She introduced Mr. J. D. Fosdick, Specialist, Education Department, BIA and he further explained the problems overcome to bring this contract to reality. He highly praised Mrs. Cox, National President of NAIWA, for her untiring efforts in co-ordinating the various preparations necessary for the writing of this contract. Mr. Fosdick offered the assistance of his office as desired and necessary.

The first speaker for this working Seminar was Mrs. Clara Swan, Director, Standards Project, Child Welfare League of America, who spoke on "Introduction to Foster Care". She explained the services handled by the Child Welfare, what they do and what they know about caring for children. Some of the services rendered are as follows: A good library is available so that people needing information may write in to: Child Welfare League of America, 67 Irving Place, New York, New York, 10003. Although the staff is small, there is a Research and Publications Dept. and a Survey Department. The Survey Dept. assists if a program

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is not going well. They make recommendation for change and place responsibility. The United States is divided into regions and there are eight conferences a year devoted to discussing work with children.

The Child Welfare also has a small legislation department to handle legal needs of the children. Since children cannot vote, someone must speak for them. There is also a Standards Development Department. The standards are developed by finding out the good functions of a program, submission of questionnaires to participants in a program, etc. Sometimes the development of a standard will require two years in developing. Mrs. Swan said many standards are used as "textbooks" by various agencies.

Mrs. Swan listed several things which Child Welfare consider to be good and needed by children, based upon many years experience in dealing with children. She pointed out that none of us, children or adults, are completely equal, nor do ALL have ALL the opportunitjes. Thus, this list of needs is not referring specifically to ADULT guidance, love and care. The key word is ADULT. First of all, the child needs the natural parents. Secondly, foster parents. If neither of these avenues are available to the child, then of course, institutional care.

However, something MORE than essentials are needed, i.e. greatest need is nurturing and love. Sometimes parents cannot do this, since we're not all equal in terms of ability--this includes the obligation and duties of being a parent. Another need of children is PLAY--play in groups and play alone. In fact, Play is the business of childhood. Family play together is the most valuable to the child.

Many times the help needed by the parents is other than financial. An example is adapting to living with a child with a special problem, such as a crippled child. Peculiar problems, such as abnormal wear and tear on clothes, must be faced.

Mrs. Swan suggested that we learn to listen to our children with a third ear. Often their unspoken problems are the most pressing. She also discussed the problem of the unwed mother and the illegitimate. In spite of unusual circumstances, the welfare of the child should dominate the decision about the child by the unwed mother.

In her explanation of the foster care program, Mrs. Swan explained some of the reasons why the children may require care away from their families, the function

of the foster care service and how the foster parents are selected. By and large, the foster parents are average, middle-class citizens whose first interest is NOT their personal gain, but really love of children. Factors such as age, health and income of foster parents are considered. Usually older parents do not qualify. The physical facilities of the home must be adequate.

There is an organized Foster Parents Club, that originated in Philadelphia, Pa. They currently have over 3000 members and are in their third year. They give special attention to the special needs of children placed in foster homes. For more information concerning this organization, contact the Child Welfare League.

In conclusion, Mrs. Swan said the services to parents, services to child and selection, development and use of foster homes should be of paramount importance to all of us interested in child welfare.

Mr. J. D. Fosdick, Education Department, Bureau of Indian Affairs, brought greetings from Mr. James Hawkins, Chief, BIA Education Dept., BIA, and Mr. George Scott, Education Dept., BIA. He expressed his appreciation for the quiet reserve and determination of our NAIWA president, Mrs. James Cox. He stated the Social Services and the Education Department of BIA are combining to fund this much needed survey. He stated he had confidence the NAIWA ladies would document the need where one exists, etc.

Mrs. Cox reviewed the stages of this survey, to date. She stated she met with the National Executive Committee of NAIWA in Busby, Montana, in November, 1972. At that time, the "tentative proposal" of NAIWA to the Bureau of Indian Affairs that deals with our project "A National Action for Special Needs of Indian Children Program" was read in its entirety. Discussion followed and a motion was made that the above-mentioned proposal be accepted and that Mrs. James M. (Marie) Cox proceed with the proposal and follow it through to its fruition. The motion carried unanimously. This survey is the first stage of Mrs. Cox's efforts.

At this point, Mrs. Cox asked each NAIWA Representative and Interviewer to stand, introduce herself and give a short history of her life and background. Mrs. Cox explained there are eleven Area Offices of Jurisdiction under the BIA. One representative and two interviewers have been selected from each Area Jurisdiction to conduct this survey, except Navajo Area where five will be selected. The Indian Representatives must be Indian women, members of NAIWA, who have evidenced a concern for the foster care of Indian children; commands respect

of the tribe of which she is a member; is known to other tribes in the Area Jurisdiction; and who has demonstrated the ability to complete tasks assigned. The interviewers must be Indian persons who have evidenced an interest in the education and foster care of Indian children, and who have demonstrated an ability to complete job assignments, including writing reports.

The meeting recessed for lunch.

The meeting convened with the introduction of Mr. Ray V. Butler, Chief, Social Services Department of the Bureau of Indian Affairs, Washington, D.C. Mr. Butler praised NAIWA for its active role in community services and stressed their unique ability to understand the problem of special needs for Indian children. He reiterated that this is a NAIWA study and BIA welcomed input from the Indian women. He gave credit to all personnel responsible for executing the contract. He also stated that BIA has a body of knowledge to assist the NAIWA staff in executing the contract.

The president, Mrs. Cox, introduced Mr. Howard Walkingstick of the Cherokee Tribe, Supervisor, Assistance Payments and Adult Medical, Social and Rehabilitation Services, Oklahoma Department of Institutions, Oklahoma City, Oklahoma. In a brief resume of his career, Mr Walkingstick said his 36 years with the Bureau of Indian Affairs had given him knowledge and insight and depth for his present position with the Oklahoma Department of Public Welfare--primarily to be of help to all children. In his overall review of his past experiences, Mr. Walkingstick stated that although our total society is changing one thing that has not changed is the Indian heritage of wanting to care for their own.

Because of rapid changes in today's society and technology, the greatest need today is to help Indians at the grassroots level. He said that if a person really wanted to learn, they could learn. Mr. Walkingstick explained the foster care administration-financing the foster care service, recruiting and retaining qualified staff (child care workers, foster parents, case workers, support staff) and the citizen's function. The title of his speech was "Administration of a Foster Care Service".

Highlights of his presentation were that a person did not have to be a foster parent to help a foster child; the standards are often set so high for a foster parent, that it is difficult to determine those who are able to qualify; care can be given sometimes by single males and females--

often foster care parents do not include a requirement for marital status; and that unbecoming conduct on the part of a foster child is often just a bid for attention. He stressed that there is a dire need for foster care specialists. The Social Service Workers, as identified today, were formerly called Child Care Workers. Although the training is more sophisticated, the problems encountered are the same. He believes that day care is very good for the average child.

Mr. Walkingstick concluded his speech with a poem by Dorothy Law Nolte, entitled:

CHILDREN LEARN WHAT THEY LIVE

If a child lives with criticism.
He learns to condemn.

If a child lives with hostility,
He learns to fight.

If a child lives with ridicule,
He learns to be shy.

If a child lives with jealousy,
He learns to feel guilty.

If a child lives with tolerance,
He learns to be patient.

If a child lives with encouragement,
He learns confidence.

If a child lives with praise,
He learns to appreciate.

If a child lives with security,
He learns to have faith.

If a child lives with approval,
He learns to like himself.

If a child lives with acceptance and friendship,
He learns to find love in the world.

Mrs. Mildred Ferguson, Clerical Assistant for the NAIWA Special Project Office, explained the procedure for claiming per diem expenses for this Seminar. She stated that detailed explanations for claiming per diem, while making survey, would be mailed to those concerned under separate cover. This will include a travel voucher form to be submitted every time a written report and a request for payment is made. Mrs. Ferguson listed various activities (civic, social and educational) that Mrs. Cox had participated in that reflected highly on NAIWA. She told of

radio and television appearances Mrs. Cox has made for the past three years that has highlighted the Association and its aims and purposes.

Meeting recessed.

The meeting convened in the Cherokee Room at 8:30 a.m. Wednesday, April 25, 1973.

The first speaker introduced by Mrs. Cox was Delores Rousseau, Social Services Representative, Bureau of Indian Affairs, Branch of Social Services, Shiprock Agency, Shiprock, New Mexico. The subject of her speech was "The Parent and Child". She opened her remarks by pointing out that the parents and child who must use foster care because of circumstances beyond their control, generally experience a painful situation. She explained the confusion and lack of understanding children feel when placed in a foster home. One important feeling of the child is worry over the welfare of the PARENTS. The sudden death or hospitalization of a parent, usually a mother,may force a parent to resort to foster care. However, children many times cannot relate this reason to their being placed in a foster home. They often consider these separations as further forms of rejection. For this type of child, the acceptance of foster care is a long painful process.

Child neglect is a broad category that often ends in a court action. After hearing all the evidence, the court may decide to take custody of the child and place, care, control and supervise actions with a social agency. The court may decide not to take custody, and returns the child to the parents with the understanding that counseling services of a social agency will be utilized. Court situations frequently trigger off a great deal of feeling on the part of parents and the child, especially if the child is old enough to understand the proceedings.

The child's feelings after a court decision varies, i.e. his attitude might be passive to the point of retreating into a shell, he may be in total agreement and accepts foster care, but later rejects it. Bad parents, to many children, are better than no parents at all. Some children may ask repeatedly if they will see their parents, etc. He may try to solve his problem by running away.

Frustration and utter feeling of defeat or helplessness often overwhelms the parents who have been adjudicated as inadequate parents. They may really want their child, but are unable to meet even the basic needs of the child. There are also passive parents who have little to offer

and show no concern for the child. Some parents feel relief in having the problem brought out into the open.

Even the use of foster care on a voluntary basis often creats some anxiety. The feelings of the community and relatives also causes hurts, to both parents and child. Other cultural attitudes enter into the picture on childbearing and childrearing. For the most part, the community feels "sorry" for the child who has to go into foster care and the attitude toward the parents is that they are not caring for their child.

Mrs. Rousseau emphasized that if foster care is the plan used, the kind of preparation the child is given by the parents with the help of the social worker and foster parents can insure a better placement. The role and responsibility of the parents, the foster parents, and the social services agency must be clearly delineated and carried out.

Involving and supporting the parents is essential while the child is in foster care, Mrs. Rousseau stressed. Such things as visits with the child, remembering special dates, like the child's birthday and holidays are vastly important. Information about the child, his progress and accomplishments, should be shared with the parents and questions clarified.

Mrs. Rousseau said in her experience, she has found that foster parents are usually warm-hearted people who have enjoyed being parents. Most are understanding and willing to invest of themselves in a child for the time necessary. Most are mature, responsible people.

Following an interesting and informative discussion concerning the highlights of Mrs. Rousseau's speech, Mrs. Cox introduced Mr. and Mrs. Charles Crowe of the Cherokee Tribe, Cherokee, North Carolina, who are foster parents, and whose topic was "The Foster Parents".

Mrs. Crowe told the audience that she and her husband have been foster parents for nine years. She said the ideal situation for foster care is to keep the foster children in their own environments. She said it is not hard to give LOVE, since most children are lovable. Sometimes, however, understanding is more difficult. Often the child won't talk to the foster parent, and considers them an imposter on their thoughts and actions and privacy. She has found that ages 9-10-11 years of age will adjust to a foster home quicker than a teenager. Many times the child will say, whenever any situation erupts, "My folks are coming after me in a few months--I don't have to mind YOU". Time and quiet patience will usually solve the discipline problems.

Mrs. Crowe illustrated what it is like to share one's home with a child who already lived with his own family and will always keep ties to them. She expressed the satisfactions she receives in providing foster care for the children under her "wing". She stated the monetary compensation will vary from state to state. In North Carolina, the BIA pays $80.00 per month per child. Public Health Services assists in such things as glasses for the foster children.

Mr. Crowe explained the Foster Parents Association and described its rules for membership, its contacts and its annual conferences.

He said foster children are sometimes treated like machines --they are put through the grinder. As a Foster Dad, he has found that patience is his best ally. He explained what it was like to work with a foster care service and pointed out other support services that are needed from the agency for the foster parent.

Mr. Crowe proudly announced that Cherokee, North Carolina was selected as a "Demonstration Site" by a National Committee in order to focus attention nationally on the foster care program. He said a film had been made in their community, telling in picture form, the program of foster care and what it accomplishes. In conclusion, Mr. Crowe expressed a need for more help from tribal councils in carrying a successful foster care program and providing more foster care INDIAN foster parents for Indian children needing their services.

Mrs. Cox read two cover letters she had written for the "National Action for Special Needs of Indian Children Program" proposal submitted to the BIA in December, 1972. After reading the letters, that gave background material for the above-mentioned proposal, she asked for a standing vote of members of NAIWA present if there was any objection to the proposal or if there were objections to the three NAIWA members hired as the project staff to work on and keep records and reports on the progress of the Special Needs of Indian Children Project. Mrs. Cox stated that she, herself, was NOT paid a salary and that the three office staff people were hired according to standards set forth in the Contract by the BIA. No member present stood in opposition to the above-mentioned proposal or the manner in which Mrs. Cox had carried forth the plan to bring the "National Action for Special Needs of Indian Children Program" into a reality.

An interesting speech on "The Case Worker" was given by Nellie Kirk, who works in Social Services, Shiprock Indian Agency, Shiprock, New Mexico. She gave a brief history of her background, stating that she is a full blood Navajo and was reared in the tradition of a Navajo. She said she

was one of seven children, all of whom have varied experiences. One brother has had no schooling, two have attended college and two boys are in college. She has reared three sisters and is now a grandparent. She went to boarding school for twelve years, has four years undergraduate work at Arizona State College. She taught school for awhile, then took graduate work in Social Work at the University of Oklahoma, Norman, Oklahoma. Mrs. Kirk stated English was her second language.

The action of the parents often causes immediate placement of a child in a foster care situation, Mrs. Kirk said. The Case Worker must handle the court referrals, those children with medical problems, and those who have need for a controlled setting. Many times a child lives where there are no medical facilites. Although relatives are contacted for assistance, usually the response is cold and indifferent and they don't want to "get involved". When there is a physical or mental problem, usually the mother, families will sometimes come for help on their own. In all of these (and similar) situations, the role of the case worker is to find harmony among the CHILD-HOME-FOSTER PARENTS---- the "Triangle" that must always be worked with. She said gratitude is seldom expressed by the child, especially if the child has known only rejection. The mere fact that the child continues to stay in a foster home or a boarding school, is an unspoken form of acceptance.

The language barrier is another reason the child will appear uncommunitative....unable to express himself adequately in English. The actions, the expressions must be understood to really understand the child.

Following a recess for lunch, the Seminar proceeded with a speech by Mrs. Georgia Chrisman, Supervisor-Instructional Aide, Child Guidance, Riverside Indian Boarding School, Anadarko, Oklahoma. Her subject was "The House Parent".

Mrs. Chrisman opened her remarks by saying that in working with the Indian children she has discovered that there are no PROBLEM CHILDREN, but there are CHILDREN with PROBLEMS. She explained some of the functions of house parents in the dormitories and cottages at Riverside Indian Boarding School. She emphasized that the job was more than a 40-hour per week committment. Such things as letting a child call his home will often ease the tension for a child in a given situation. The qualities necessary for a good house parent included a willingness to give---of yourself, your time, your sympathy, your understanding---and an awareness to OBSERVE.

Ideally, each child should have at least a bed to call their very own---and preferably a ROOM to call their own. They should be allowed to decorate their own rooms (within reason),

hang pictures and place personal things in their rooms in order to make their environment more like a real home. The parents should be allowed to visit their children in their rooms.

A most interesting, emotion-filled and humanistic speech was given by Mr. Jo Ju Lane, House Parent of Riverside Indian Boarding School, Anadarko, Oklahoma. He invited the group to take a copy of the booklet, "100th Year -- Riverside Indian School" home with them. This booklet tells of 100 years of growth and development of the school.

It began in 1871 when a Quaker agent, Mr. Jonathan Richards, erected a one-room building on Sugar Creek to house supplies. Mr. A. J. Standing helped to organize the school but he was soon followed by Mr. Thomas Battey who worked through the fall and winter to get the school established and operating. There were eight little non-English speaking children who joined the beginner's class this first year.

The story has been one of continued progress. In recent years Riverside has made some giant strides in growth, and in program. From eight non-English speaking beginners in a one-room school to about 375 students living in a community of modern buildings. From a beginners class to a fully accredited high school offering more than 18 elective and enrichment subjects, for students whose needs have grown and must be met. Riverside can point with pride to her growth through the years to her present beautiful campus, her excellent and dedicated staff, to modern buildings and equipment, to the fine young men and women who make up the student body, to the past, to the present, and beyond to her greater dreams for the future.

Mr. Lane said that when he referred to "WE" what he really meant was "ALL", since most of his presentation pertained to all boarding schools. However, Riverside Indian School is the only one with cottage type living. They have nine cottages, each housing ten boys and ten girls. Except in a few instances, the plan works and the students prefer the cottages to dormitories. An all-round extra-curricular program is available; i.e. football, baseball, basketball, track, intramurals, 5-hole golf course and bowling downtown. There is a recreation hall called "The Shack" with a pool table, ping-pong, closed circuit T.V. The school has its own radio station--KRIS. Club work such as Scouts, Indian Club, Industrial Arts, which is the best in the state. The Industrial Arts include working with wood, plastic, metal and leatherwork. Every cottage has a color T.V., Washer and Dryer, Dishwasher and Pool Table. The students cook breakfast every day in the cottage.

There are thirty-five tribes represented at Riverside, Mr. Lane stated. Students have their own house counsel. In spite of all the apparent advantages available to the students, there are always some with problems. Oftentimes a student will have no money whatsoever. As a rule, this is through some fault of the parent. Although there are two qualified counselors, a visiting psychiatrist and V. D. specialists,a full-time nurse is needed.

Mr. Lane showed slides of the Riverside School and the campus. They were colorful and explanatory, supporting the description of the school. He concluded his remarks by saying that in his experience as a house parent, his unwritten code is "Take time to visit with the kids when they want to talk". He said with every student that graduates, he feels as if HE is a success, and with every dropout, he feels a personal failure.

Following the day's program, a BIA informal meeting was called by Mr. Ray V. Butler, for all members of the BIA.

Mrs. Cox opened the final day's activities on April 26, 1973, in the Cherokee Room with the introduction of late arrivals. She explained to the group that no formal membership drive had been made to secure members to NAIWA, since she felt the quality of membership was more important than quantity. Mrs. Cox stressed that the members of NAIWA possessed dignity befitting Indian women, handled their problems best over the bargaining table, and could keep their composure during the "storm". This, Mrs. Cox feels, is the best and long lasting kind of progress.

Florence Paisano, Chinle, Arizona, gave the devotional.

Special announcements were made by the president prior to introducing Mildred Cleghorn, National Director, Education of NAIWA and Administrative Assistant to the Director of the Special NAIWA project "A National Action for Special Needs of Indian Children Program". Mrs. Cleghorn reviewed the highlight of the previous speakers remarks. Consolidating experiences, training, and recommendations of the previous speakers gave a composite picture of the uniqueness of the problems of the Indian child and the avenues open to help him realize his highest potential. Mrs. Cleghorn stated Mrs. Swan had given us the standards of development for the foster parents, standards for the natural parents, institutional care. In her years of experience, educationally and emotionally, she feels LOVE is the most important ingredient. The deep hurts a child endures when there are NO visits from his parents can leave life-time scars. Timing is important when trying to help a child with type of problems such as these. In analyzing the subject, "Programs for the Care of Children away from their own Homes", she felt that any plan, to be successful, must keep in balance

the triangle of Home-Child-Foster Parents.

Mrs. Cleghorn said she had worked with seventy-two different tribes in her teaching career. At one time she was an extension agent who went into the Indian homes to help with the day-to-day problems of life. One example she used was an Indian mother who had received 1/4 side of beef and had no idea how to prepare, cook or serve it. She also worked for years for the 4-H program in the school system and highly recommends it as an educational aid to the child. After retiring from the teaching profession, Mrs. Cleghorn assisted a kindergarten teacher. The kindergarten teacher, she feels, has the future of our nation on her shoulders. Even at such a tender age, the influence of the parents is noticeable. The parent and teacher has, at this time, the duty and obligation to teach responsibility as they are sitting on your lap.

Mrs. Cleghorn noted that an Apache custom in correcting a child is not hit them with the back of your hand--such action drives the child away from you. Always spank the child with a motion toward you. Another Indian custom, that of wrapping the child tightly on a board, also has emotional value--it holds the child closely and gives a feeling of security.

In closing, Mrs. Cleghorn requested suggestions from the group on the two most important things they felt were necessary as a program in the care of children away from home. The suggestions were written on a sheet of paper and collected for later review.

Mrs. Judy Baggett, Administrative Assistant to the Director of the Special NAIWA Project "A National Action for Special Needs of Indian Children Program", was introduced. She expressed her delight to be involved with this program and invited participation and suggestions from the group assembled. She pledged her interest and enthusiasm for the accomplishment of this mission. In a brief history of her life, she said she holds a Master's Degree in Social Science. She received her master degree in 1967. Her job experience includes social service jobs in Juneau, Alaska, and Goodland Children's Home at Muskogee, Oklahoma.

The progress being made at Fort Knoll, Idaho was shared with the group by Mrs. Ardith Caldwell, Shoshone Tribe, Blackfoot, Idaho. Her field of endeavor is with the seventh and eighth graders. Some of her recommendations is that Arts and Crafts should be required subjects. Also, there should be a reading clinic for those with slow reading problems. She has found that a math clinic also benefits the students, with an Indian aid full-time, and never more than the responsibility of six children. Their school has also benefitted from

the parent/teacher conferences. Hand-delivered invitations encouraged better participation on the part of the parents. Mrs. Caldwell said that although all their problems were not solved, they were making great headway.

Iyonne Garreau, Director of Inter-Tribal Communications for NAIWA, and a Sioux delegate from Lower Brule, South Dakota, expressed her gratitude for NAIWA and the gains in good will and fellowship that it has generated to date. Mrs. Garreau was one of the founders of NAIWA, when it was decided the Indian women should take advantage of the opportunities afforded them and form a national association of American Indian women.

Mutual concerns that have been expressed in the seminar are incredible, according to Mrs. Hildreth Venegas, Sioux Reservation, Sisseton, South Dakota. She expressed her thanks to those responsible for bringing the group together, with a special thanks to Mrs. Cox for keeping them involved in the affairs of NAIWA. She praised the leadership of the president, stating Mrs. Cox had performed her duties with honor, dignity and respect. Such leadership has commanded respect from every member, Mrs. Venegas said. The advantages gained for Indian women are outstanding, she believes.

"Principles of Interviewing" and "Principles of Writing Reports" were two interesting topics covered by Mrs. Kate Gault, Oklahoma State Department of Institutions, Social and Rehabilitative Services. First of all, Mrs. Gault said that it was appropriate that this Seminar be held in the month of April, 1973. This is the National Month for Foster Care and a proclamation has been made by Governor David Hall, in the state of Oklahoma, to this fact.

The primary purpose of the department in which she works is to return the child to its own home. If circumstances prevent it, then the second choice is a relative's home. Sometimes it is necessary to go to court, and ask for the right to plan a permanent type home for the child, i.e. foster home, institution, or special medical care area. There are seventy-seven courts in the state of Oklahoma dealing with this problem. They try to place the child in an area from which they come. Three hundred and thirty-five Indian children were helped by her department last year. There were sixty-nine Indian children adopted last year in the state of Oklahoma.

As has been the opinion of previous speakers, Mrs. Gault also believes LOVE is most important in dealing with these children. Is it important to recognize their limits in order to help them achieve.

In discussing the monetary return for being a foster parent, Mrs. Gault said it varied from seventy-five dollars a month

to one hundred dollars and ten a month ($75.00 to $110.00). The wage depends upon the age of the child being cared for, i.e. 0-3 years, $75.00, 3-6 years, $85.00, 6-9 years, $95.00, and 10-21 years, $110.00. There is also the wage home plan --free home which accepts child with no pay.

Mrs. Gault explained that an interview can either be a noun or a transitive verb. She stressed that for our purposes in conducting the interviews on this project, we will be using the interview in the verb sense. That is, it will be a conversation between two people and thus, the aim will be to converse, exchange questions and answers. However, it is imperative that the interviewer NOT jump to conclusions. How something is said, the body posture used in saying it, the gestures, the tone of voice, the pace of speech, are all to be considered in the interview. The person being interviewed must be able to feel at ease and flexible. Otherwise the interview will become only short questions and answers and nothing will be gained.

She stressed that no two persons are exactly alike. No two interviews will proceed in the same manner. If you must ask for clarification, do so in a diplomatic way. Sometimes discussing something entirely different from the subject matter on the interview will put the person at ease and the response will be better when the interview starts. The check list must be revelant to the person being interviewed. Most people can spot a phony situation and "clams up". Since the Indian people have been "interviewed" and "surveyed" so many times, they can easily recognize the pitfalls of the outline or checklist.

The key to being a good interviewer, is to be able to listen. Let the person talk freely, rise from their chair, move back and forth. After the person has talked on his own basis, return to the form--to clarify what is meant. Another key requirement in being a good interviewer is to KNOW what you are doing and BELIEVE in what you are doing. Always keep in mind the good that can be accomplished for the Indian child with problems when their problems are documented and discussed with authorities.

Sometimes, through no fault of the interviewer, an interview will not progress to a satisfactory conclusion. Examples are, if the person being interviewed is tired, sedated, drugged, deaf, blind, or has speech impediments. The very fact that you are the interviewer means that you are considered a part of the establishment and will be rejected.

Listen--Observe--Ask--Inform--Explain--Advise--Prepare--Affirm--Permit--Limit--Expect--Challenge--Confront--Connect--Interpret--Review--Anticipate.

Mrs. Gault continued her speech by stating that you cannot get information if communication between you and the interview is not good. Therefore, advance notice that you are coming will help "pave the way". One obstacle which hampers communication is haste. If the question is asked in a quick, "Do you --------?" you will receive a quick "Yes" or "No" answer. Always remember the old adage "MAKE HASTE SLOWLY".

Some people have difficulty putting thoughts into other people's mouths. Be sure the thoughts expressed by the person are his own--and not words you have planted there by the format of your question. Also, remember everybody thinks the other guy is prejudiced. Biases and prejudices are common in foster care. Just being a foster child is a problem in itself. Oftentimes, the natural families are hostile.

In conclusion, and at the request of the audience, a mock interview was held between Annie S. Meigs, Ft. Gibson, Oklahoma, and Mrs. Kate Gault. Mrs. Meigs played the part of the distressed mother whose child had been removed from the home and the case worker was played by Mrs. Kate Gault. The participants gave an interesting and enlightening performance and the audience had a much clearer picture of what to expect when they start interviewing.

Mrs. Meigs pointed out to the group that there are no right or wrong answers in interviews. Let the people handle the paper on which the questions are printed, let them read it and ask any questions that might be in their minds about it. Assure them of privacy and confidential treatment of the information given. The personality of the interviewer oftentimes makes all the difference in the world on the amount of truth and information given.

The group recessed for a sit-down served luncheon held in the Cherokee Room, Lincoln Plaza Inn. Both the food and the fellowship was enjoyed by all who attended.

In discussing the planning that had transpired for the start of the survey, Mrs. James (Marie) Cox explained that money had been earmarked in the BIA Contract for travel and perdiem of Director, and Administrative Assistants to coordinate work under contract and to provide leadership to Indian Representatives and Interviewers. Thus, it was decided one of these three individuals will visit with the interviewers.

Mary Jane Fate, Fairbanks, Alaska, expressed her thanks for being a part of the group and stated the situation in Alaska demanded that changes be made as soon as possible. She told of the harsh life many of the Alaskan Indians lead. There are no doctors, no phones, no roads. Often the children cook for the older people. The alcohol problem is prevalent.

In reviewing her own life, she said that she didn't tell her parents her problems because she didn't want to worry them additionally and she didn't tell her problems to the boarding school officials because they had too much to do. Thus, she and did many others, hold their problems within them--feeling there was no one to turn to.

The male image is very low in Alaska, Mrs. Fate said. One thing which causes this situation is the lack of jobs for men. At one time there was trapping and hunting, etc., however, these occupations have become extinct. Her own father was a mail carrier by dog team and she recounted the pride she felt because he held a responsible job. Only women's jobs are available. In conclusion, Mrs. Fate said she felt NAIWA, with its outstanding leadership by Mrs. Cox, was a milestone in American history and she was looking forward to great progress in the future.

Mr. Edward Lonefight, Superintendent Riverside Indian School, Anadarko, Oklahoma, stated he would welcome and appreciate the involvment of NAIWA in pinpointing problem areas in his school. He promised his support and cooperation in this project.

At the conclusion of the prepared meeting, every Bureau of Indian Affairs Area Office delegate rose to express appreciation for being invited to attend this enlightening, informative and progressive Seminar. Each person who spoke pledged his full cooperation when the representatives and interviewers visited his area office to make the interviews. Several said they would welcome advice of how to do their job better. Others were impressed with the joy and enthusiasm of the group. Several felt that this project would have a great budget impact for Indian Children. All were unanimous in their praise of the manner in which this Seminar had been conducted and were delighted to see Indian women from all tribes working and having fellowship together. All thanked Mrs. Cox for the invitation to attend.

Following the remarks by invited guests, several members of NAIWA, interviewers and representatives who will participate in this survey, zealously praised the Seminar, its purpose and its leadership and planning. All were grateful to be a part of the program.

Mrs. Cox thanked those in attendance for their vote of confidence and told them detailed instructions on how to proceed with the survey would be mailed to them. Seminar adjourned.

NORTH AMERICAN INDIAN WOMEN'S ASSOCIATION

TRAINING PROGRAM

OKLAHOMA CITY, OKLAHOMA

APRIL 24-26, 1973

PARTICIPANTS, BUREAU OF INDIAN AFFAIRS

ABERDEEN AREA OFFICE

Jere Brennan, Assistant Area Social Worker
Euphrasia Mitchell, Education Department

ALBUQUERQUE AREA OFFICE

Evelyn Blanchard, Assistant Area Social Worker
Earl Webb, Education Department

ANADARKO AREA OFFICE

Sidney Carney, Area Director
Bill Grissom, Superintendent Anadarko Agency
Betty Bell, Administrative Assistant Anadarko Agency
Catherine Lamar, Area Social Worker
Earl Yeahquo, Education Department
Dan Sahmaunt, Education Department

BILLINGS AREA OFFICE

Morris Thomte, Assistant Area Social Worker

JUNEAU AREA OFFICE

Perry Smith, Assistant Area Social Worker
James W. Griffin, Education Department

MINNEAPOLIS AREA OFFICE

Harold Smith, Area Social Worker
Paul A. Melchior, Education Department

MUSKOGEE AREA OFFICE

Robert Berryhill, representing Area Director
Kathleen Kobel, Assistant Area Social Worker
Vic Hill, Education Department

NAVAJO AREA OFFICE

Byron Houseknecht, Area Social Worker
Louise Bonnell, Education Department

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PHOENIX AREA OFFICE

William E. Newton, Area Social Worker
Ray Sorensen, Education Department

PORTLAND AREA OFFICE

F. Don Casper, Area Social Worker
Spencer Sahmaunt, Education Department

SOUTHEAST AGENCIES

Clare G. Jerdone, Principal Child Welfare Specialist
Donald J. Fosdick, Educational Specialist
Ray V. Butler, Chief, Social Services

PARTICIPANTS, NAIWA REPRESENTATIVES AND INTERVIEWERS

ABERDEEN AREA OFFICE

Iyonne Garreau, Representative
Naomi Renville, Interviewer
Hildreth Venegas, Interviewer

ALBUQUERQUE AREA OFFICE

Agnes Dill, Representative
Mary Box Chavez, Interviewer
Virginia Lewis, Interviewer (could not attend)

ANADARKO AREA OFFICE

Lorenia Butler, Representative
Chris Echohawk, Interviewer
Julia Mahseet, Interviewer

BILLINGS AREA OFFICE

Madeline Colliflower, Representative
Ursula Higgins, Interviewer
Pat Littlewolf, Interviewer (could not attend)

JUNEAU AREA OFFICE

Mary Jane Fate, Representative
Daphne Gustafson, Interviewer
Gertrude Wolfe, Interviewer

MINNEAPOLIS AREA OFFICE

Mary Natani, Representative
(Two persons to be confirmed)

MUSKOGEE AREA OFFICE

MUSKOGEE AREA OFFICE (cont.)

Dorothy Snake, Representative
Ruby Haynie, Interviewer
(One person to be confirmed)

NAVAJO AREA OFFICE

Louva Dahozy, Co-representative
Florence Paisano, Co-representative
Effie Curtis, Interviewer
Mary Ina Ray, Interviewer
Adele Lope, Interviewer
Alice Becenti, Interviewer

PHOENIX AREA OFFICE

Juana P. Lyon, Representative
Susanne Denet, Interviewer
Lucille Throssell, Interviewer

PORTLAND AREA OFFICE

Ernestine Jim, Representative
Verna Bunn, Interviewer
Ardith Caldwell, Interviewer

SOUTHEAST AREA OFFICE

Ethelyn Conseen, Representative
Rebecca Grant, Interviewer
(One person to be confirmed)

PARTICIPANTS, MEMBERS OF NAIWA

Mrs. James M. (Marie) Cox, National President--NAIWA
Mildred Cleghorn, Administrative Assistant--NAIWA Project
Judy Baggett, Administrative Assistant--NAIWA Project
Mildred Ferguson, Clerical Assistant--NAIWA Project
Neldean Gallaher, National Parliamentarian
Annie Francis Hampton, Member
Irene Lane, Secretary to Tribal Operation Officer,
Anadarko Area Office
Annie S. Meigs, Ret. Social Services

PARTICIPANTS, SPECIAL GUESTS

Mr. James M. Cox, Elected Comanche Tribal Councilman
Mr. Edward Lonefight, Superintendent, Riverside Indian
School
Mr. Lawrence Snake, Chairman, Absentee Delaware Tribe
Anadarko Area Office

NORTH AMERICAN INDIAN WOMEN'S ASSOCIATION

TRAINING PROGRAM

APRIL 24-26, 1973

SEMINAR SPEAKERS

Clara Swan
Director, Standard Projects
Chief Welfare League of America

Hickory Star, Jr.
Oklahoma Commissioner of Indian Affairs

Howard Walkingstick
Supervisor, Department of Institutions
and Social Rehabilitative Services

Delores Rousseau
Bureau of Indian Affairs Social Services Department

Nellie Kirk
Bureau of Indian Affairs Social Services Department

Georgia Chrisman
Supervisor, Instructional Aids-Child Guidance

Jo-Jo Lane
Riverside Indian School House Parent

Mr. and Mrs. Charles Crowe, School System Bureau of
Indian Affairs North Carolina

Kate M. Gault, Oklahoma Department of Institutions
Social Rehabilitative Services

c. In order that the National Executive Committee of NAIWA be informed of the progress of this project, periodic memorandums were mailed to all members of the Executive Committee. The memorandum covering the early developments of NAIWA Project K51C14200761 was as follows:

DATE: May 29, 1973

SUBJECT: MEMORANDUM

TO: THE NATIONAL EXECUTIVE COMMITTEE OF THE "NORTH AMERICAN WOMEN'S ASSOCIATION" AND THE STATE CHAPTER PRESIDENTS OF NAIWA

FROM: MRS. JAMES M. (MARIE) COX, NATIONAL PRESIDENT, NAIWA

This memorandum is in reference to the March 22, 1973, memorandum that was mailed to all executive committee members of NAIWA in April, 1973. This memorandum dealt with the April 24-26, 1973, Training of Interviewers for the "Special Needs of Indian Children" project of NAIWA.

At our National Executive Committee meeting held in Busby, Montana on November 17-18, 1973 (memorandum of October 11/73), the proposed NAIWA Proposal to the Bureau of Indian Affairs for "A National Action for Special Needs of Indian Children Program" was read in its entirety. Discussion followed and a motion was made that the above proposal be accepted as read and that I, Mrs. James M. (Marie) Cox, proceed with the proposal and follow it through to its fruition, the motion carried unanimously.

In January, 1973, I presented the above mentioned proposal to BIA. We have now entered into a contract, number #K51C14200761, with the BIA to fund the above-mentioned NAIWA proposal. The initial step of this project that deals with the "Special Needs of Indian Children" will begin with a survey to document the special needs of Indian children as these needs have never been documented for Indian children. The Social Services Department, BIA, and the Educational Department, BIA, have jointly contributed the funds for this project (survey).

As specified by the contract, I opened a Special Bank Account in Midwest City, Oklahoma, for the Bureau of Indian Affairs Finance Office to send an advance payment to this account in order that NAIWA would have funds to hold a training Seminar for the Indian women who are to make the survey, for the training Seminar of April 24-26, 1973. The above-mentioned money was received on April 10, 1973, and at this time (not before) did the plan go forth to hold the "Training Seminar of April 24-26, 1973".

The Seminar was very successful and we are to begin the first step of the survey in June, 1973. I am enclosing a report on the Seminar.

As specified by the contract (which is to run six months or eight, if need be) I have opened a small office in Midwest City, Oklahoma. Also as specified by the contract, I have hired two administrative assistants. One is Mrs. Mildred Cleghorn, Apache Tribe, to head the Education portion and Mrs. Judy Baggett, Choctaw Tribe, to head the Social Service portion. The other person hired is a Clerical Assistant. She is Mrs. Mildred Ferguson, Cherokee Tribe. I am the Director and Administrator and am not salaried.

BIA set the standards and qualifications for the three positions to be hired, and specified the type of bookkeeping and audit that will be in effect. This is a temporary set-up to handle the survey for which the contract with BIA was made. Therefore, until I leave office as National President of NAIWA, my home address is still the National Office for NAIWA.

Since the Survey Project with BIA is of a temporary nature (of about six months), address any letters dealing with this BIA contract for "National Action for Special Needs of Indian Children Program" project to:

NAIWA PROJECT #0761
3201 Shadybrook Drive
Midwest City, Oklahoma 73110

It is my personal opinion that we, as the initial National Executive Committee of NAIWA and the State Chapter Presidents of NAIWA, have worked long and hard to bring our Association to national and international attention.....it hasn't been easy! However, we can feel good about the fact that we have set the national trend for attention to be given to Indian children. They have no voice and we must make their needs known. In the final analysis, we have set in motion the steps to bring about the betterment of Indian Children who have special needs. Indian children should be of utmost importance in our NAIWA Project #0761.

I look forward to seeing you again at our 1973 NAIWA National Conference in the "Big Sky Country".

METHOD FOR CONDUCTING SURVEY

1. QUESTIONNAIRES

The initial step in conducting the actual survey required the selection of the types of people to be interviewed and the kind of questions to be asked each individual. A uniform method was necessary in order to be able to measure the results of the survey.

The decision for the types of persons to be intereviewed was based on Part 103 - Objectives of Contract K51C14200761. This part of the contract outlines the information desired to be produced as a result of the survey.

Mrs. James M. (Marie) Cox, Director and Administrator of NAIWA Project #0761, Mrs. Mildred Cleghorn, Education Administrative Assistant and Mrs. Judy Baggett, Social Services, Administrative Assistant, explored in depth each of the elements listed in Part 100 - Development of Prototype Program. From this and other research, they authored thirteen questionnaires which would reflect present practices and also indicate the need for improvements in specific areas. The completed questionnaires should pinpoint reform and program improvements needed.

The thirteen questionnaires written were assigned an identifying number as follows:

NAIWA: North American Indian Women's Association
0761: Last four digits of the contract number
573: "5" means the fifth month (May) and "73" the year
1,etc: The numbers following 573-are the numbers assigned on a progressive basis.

The questionnaires prepared are as follows:

NAIWA 0761-573-1	Questionnaire for BIA Social Services
NAIWA 0761-573-2	Questionnaire for BIA Education Program for Indian Children
NAIWA 0761-573-3	Questionnaire for Foster Care Program
NAIWA 0761-573-4	Questionnaire for Indian Boarding School Personnel
NAIWA 0761-573-5	Questionnaire to Determine the Feasibility of a Specialized Institution for Indian Children.
NAIWA 0761-573-6	Questionnaire for Foster Parents of Indian Children.
NAIWA 0761-573-7	Questionnaire for Indians who have had Foster Care Experience.
NAIWA 0761-573-8	Questionnaire for Parents of Indian Children in Foster Homes.

NAIWA 0761-573-9 Questionnaire for Indian Boarding School Instructional Aides
NAIWA 0761-573-10 Questionnaire for Indian Children in Boarding School
NAIWA 0761-573-11 Questionnaire for Parents of Indian Children in Boarding School
NAIWA 0761-573-12 Questionnaire for Concerned Tribal Councilmen
NAIWA 0761-573-14 Questionnaire for Person who has at one time attended a Boarding School

2. SOCIAL SERVICES QUESTIONNAIRES

The following questionnaires were prepared to document the special needs of Indian children in relation to their social needs:

Questionnaire Number	and	Title of Form
#1:	BIA Social Services	(Agency Interviews)
#1:	BIA Social Services	
#3:	Foster Care Program	(State)
#3:	Foster Care Program	(Private)
#3:	Foster Care Program	(BIA)
#5:	Feasibility of Specialized Institutions	
#6:	Foster Parents of Indian Children	
#7:	Indians Who Have Had Foster Care Experience	
#8:	Parents of Indian Children in Foster Homes	
#12:	Concerned Tribal Councilmen	

3. EDUCATION QUESTIONNAIRES

The following questionnaires were prepared to document the special needs of Indian children in relation to their Educational needs:

Questionnaire Number	and	Title of Form
#1:	BIA Social Services	(Agency Interviews)
#2:	BIA Education Program for Indian Children	
#4:	Indian Boarding School Personnel	

3. Education - continued:

#9: Indian Boarding School Instructional Aides

#10: Indian Children in Boarding School

#11: Parents of Indian Children in Boarding School

#12: Concerned Tribal Councilmen

#14: Person Who Has at one Time Attended a Boarding School

4. INTERVIEW SITES

The selection of places and persons to be interviewed was based upon a "need to know" as outlined in Part 101 of subject contract.

All Bureau of Indian Affairs Area Office jurisdictions, except the Sacramento Area, were surveyed.

At least one BIA Agency under each BIA Area Office jurisdiction was surveyed.

State, county, and private institutions were selected in those areas where it was known there were problem areas. These selections were made at random and at the discretion of the appropriate Indian woman Representative conducting the NAIWA survey.

The persons to be interviewed were selected by the appropriate Indian interviewer working on the NAIWA survey. These selections were based upon the discretion of the interviewer and her knowledge of local problem areas.

In this method of selecting places and persons for interview, the knowledge, need, opinion and expertise of thirty-six concerned Indian women was utilized. Of the thirty-six Indian representatives and interviewers, only three ladies failed to submit reports. This represents 92% participation. The Director of the project and her two Administrative Assistants conducted certain interviews in problem areas. Thus, the number of Indian ladies who conducted interviews is thirty-six.

Orientation of the NAIWA Indian ladies who were to make the survey was accomplished at their nearest BIA Area Office. Prior to the actual session, letters of introduction to each BIA Area Office were mailed by the NAIWA Project Office.

Mrs. Mildred Cleghorn, NAIWA Administrative Assistant for Education visited:

Albuquerque Area
Anadarko Area
Navajo Area
Phoenix Area
Southeast Area

Mrs. Judy Baggett, NAIWA Administrative Assistant for Social Services visited:

Aberdeen Area
Billings Area
Minneapolis Area
Muskogee Area
Portland Area

Due to the unique problems existing there, Mrs. James M. (Marie) Cox, Director and Administrator, NAIWA Project #0761, visited the Juneau Area in Alaska, and Haskell Indian Junior College in Kansas.

All orientation of representatives and interviewers was completed on August 13, 1973. A total of 288 questionnaires were distributed to the representatives and interviewers in original copy only.

RESULTS OF SURVEY

1. DEADLINE DATES

The deadline date for completing the survey in the BIA Areas was August 31, 1973. Inasmuch as the boarding schools were not in full operation during the summer months, this deadline was extended to September 15, 1973. Because of slow response, the date was extended to September 30, 1973. At that time, approximately sixty-nine percent of the questionnaires had been returned completed.

The two Administrative Assistants were advised by memorandum dated September 10, 1973, that a written report by them would be submitted to the NAIWA Project Director by October 10, 1973. This report was to cover their review, evaluation and recommendations of the completed questionnaires received up to that time. These written reports were to be used as a nucleus for the final report.

On September 25, 1973, the office staff was advised by memorandum of the plans for the Review, Evaluation and Recommendations meeting to be held October 22-25, 1973 in Oklahoma City, Oklahoma. This memorandum also specified that the final report of the Administrative Assistants would be completed by November 5, 1973.

2. REVIEW, EVALUATION AND RECOMMENDATIONS MEETING

The Review, Evaluation, and Recommendations Meeting was held in Oklahoma City, Oklahoma, at Lincoln Plaza Inn, 4445 North Lincoln Blvd., on October 22-25, 1973. A review of that meeting is as follows:

NORTH AMERICAN INDIAN WOMEN'S ASSOCIATION
"A NATIONAL ACTION FOR SPECIAL NEEDS OF INDIAN CHILDREN PROGRAM"

NAIWA - MEETING
REVIEW, EVALUATION AND RECOMMENDATIONS
with
Selected Representatives and Interviewers
held
October 22-25, 1973

Lincoln Plaza Inn
Oklahoma City, Oklahoma

Under Contract No. K51C14200761
Bureau of Indian Affairs

Mrs. James M. (Marie) Cox
Director and Administrator
NAIWA Project #0761

November 15, 1973

MEMORANDUM

FROM: MRS. JAMES M. (MARIE) COX
DIRECTOR AND ADMINISTRATOR
NAIWA PROJECT #0761

TO: SELECTED REPRESENTATIVES AND INTERVIEWERS OF NAIWA

SUBJ: REVIEW, EVALUATION AND RECOMMENDATIONS MEETING
HELD: OCTOBER 22-25, 1973

TEXT: The Director and Administrator of NAIWA Project #0761 called a Review, Evaluation and Recommendations Meeting of NAIWA's first national project, "A National Action for Special Needs of Indian Children Program." This meeting was held in Oklahoma City, Oklahoma, on October 22-25, 1973, at Lincoln Plaza Inn, 4445 North Lincoln Blvd., Oklahoma City.

The first stage of the national project, "A National Action for Special Needs of Indian Children Program" was to conduct a national survey of selected individuals, Boarding Schools, Agencies, Public and Private Institutions, etc., to determine the special needs of Indian children. The first stage of the project is now complete and the purpose of the Review, Evaluation and Recommendations Meeting was to discuss and analyze the information gathered during the survey and to make recommendations.

The ladies selected to attend this meeting were selected on the basis of their participation on this survey, their geographical location, their involvement in local Indian community affairs and as representatives of each Area Jurisdiction of the Bureau of Indian Affairs Area Offices.

Registration for the Meeting began at 8:30 a.m. October 22, 1973, in Room 103, Lincoln Plaza Room, 4445 North Lincoln Blvd., Oklahoma City, Oklahoma.

The meeting was called to order by Mrs. James M. (Marie) Cox, Director and Administrator of NAIWA Project #0761. Mrs. Cox welcomed all of the participants and reviewed the purpose of the meeting. Mrs. Cox asked Mrs. Agnes Dill, Current National President of NAIWA, to give the prayer.

Mrs. Cox asked each person to rise, give their name, tribe, and hometown. Mrs. Cox read the memorandum which had been sent to each participant prior to the meeting date. She also read Part 100 of Contract K51C14200761 and portions of Part 101 of subject contract. She explained that only two copies of the final report would be prepared and the Bureau of Indian Affairs will be responsible for the determination on whether copies will be available, the subsequent reproduction, assembling and distribution.

Since this was a working meeting, Mrs. Cox explained to the group that she would be the chairman of the entire meeting. She introduced her office staff and explained the duties of each to the group. She stated Mrs. Mildred Cleghorn and Mrs. Judy Baggett, Administrative Assistants, would co-chair the meeting with her. As such, they were to review each question on each questionnaire pertaining to their respective fields. Mrs. Cleghorn is the Administrative Assitant for Education and Mrs. Judy Baggett is the Administrative Assistant for Social Services.

Mrs. Cleghorn explained to the group that an opaque machine would be used to project the consolidated information about each questionnaire on the 6' by 6' screen. This system provided every person in attendance a view of the answers received from each BIA Area jurisdiction.

The NAIWA Project Questionnaires which were reviewed by Mrs. Cleghorn were as follows:

#1: BIA Social Services (Agency Interviews)
#2: BIA Education Program for Indian Children
#4: Indian Boarding School Personnel
#9: Indian Boarding School Instructional Aides
#10: Indian Children in Boarding School
#11: Parents of Indian Children in Boarding School
#12: Concerned Tribal Councilmen
#14: Person Who has at one time attended a Boarding School

Many comments were made by the group. Each participant was encouraged to participate in the review, offer suggestions, make corrections, and give added information at any time. Thus, the meeting progressed with deep interest and enthusiasm.

The meeting adjourned each day of the meeting at 11:45 a.m. for lunch and re-convened at 1:10 p.m. All conferrees were in attendance at each meeting and the group had 100% participation. The results of the discussions and recommendations will be recorded in the final report to be submitted to the Bureau of Indian Affairs.

Mrs. Cleghorn co-chaired the meeting with Mrs. Cox on October 22 and 23, 1973. Each day, those persons who arrived the previous day, were introduced by Mrs. Cox. Also, Mrs. Cox explained any detailed questions which were asked.

The meeting proceeded in the same manner on October 24 and 25, 1973, except Mrs. Judy Baggett co-chaired the meeting with Mrs. Cox. The NAIWA Project Questionnaires which were reviewed by Mrs. Baggett were as follows:

#1: BIA Social Services (Agency Interviews)

#1: BIA Social Services

#3: Foster Care Program (State)

#3: Foster Care Program (Private)

#3: Foster Care Program (BIA)

#5: Feasibility of Specialized Institutions

#6: Foster Parents of Indian Children

#7: Indians who have had Foster Care Experience

#8: Parents of Indian Children in Foster Homes

#12: Concerned Tribal Councilmen

Mrs. Clare Jerdone, Contracting Officer's Representative for NAIWA Contract K51C14200761 from the Bureau of Indian Affairs in Washington, D. C., and Mr. D. J. Fosdick, Education Specialist from the Bureau of Indian Affairs in Washington, D. C., attended the meeting on October 25, 1973. They attended in the capacity of observers.

Mrs. Cox introduced Mrs. Jerdone, who thanked the NAIWA staff for their business-like, efficient work. She stated her office in Washington, D. C. was looking forward to the final report. Mr. Fosdick also expressed his pleasure with the quality of the work to date and stated he was looking forward to the recommendations from this group. He extended the regrets of Dr. Benham, Chief, Education Department of Bureau of Indian Affairs, Washington, D.C. that he was unable to attend the meeting.

Following the completion of the item by item review of the questionnaires, the group participated in summarization and recommendations. Mrs. Cox thanked the group for their participation and interest. She stated she felt that the report to be submitted to BIA should only be the first step toward the betterment of life for the Indian child. She promised that the report would not "lay" and gather dust. Mrs. Jerdone said she was in agreement and said the next step would be to pursue the necessary ACTIONS.

Mrs. Cox asked Mrs. Dill for her comments. She said that, in her opinion, the future rested with Indian women in the hope of bettering the Indian community life and thus, the life of the Indian child. She believes the Indian man is looking to the women for progress. She asked the women in attendance to continue their input and interest. She thanked Mrs. Cox for her untiring efforts in helping improve Indian community life and more specifically, life for the Indian child. She also expressed the feelings of all the ladies who worked on the survey in saying that Mrs. Cox had done an outstanding job on this project.

Two night meetings were held during the course of the Review, Evaluation and Recommendations Meeting on a variety of subjects. Thus, the ladies in attendance contributed many hours of devotion and dedication to problem areas in Indian life. Each person who attended deserves a vote of gratitude and thanks for their efforts.

Meeting adjourned October 25, 1973.

* * * * *

Participants in Review, Evaluation and Recommendations Meeting

October 22-25, 1973

Area	Person	Tribe
Aberdeen Area	Iyonne Garreau	Sioux
Aberdeen Area	Naomi Renville	Omaha-Seneca
Aberdeen Area	Hildreth Venegas	Sioux
Aberdeen Area	Julie Ducheneaux	Sioux
Albuquerque Area	Agnes Dill	Laguna-Isleta
Albuquerque Area	Sophie Atencio	San-Juan Pueblo
Anadarko Area	Chris Echohawk	Pawnee
Anadarko Area	Julia Mahseet	Comanche
Billings Area	Madeline Colliflower	Gros Ventre
Billings Area	Ursula Higgins	Blackfeet
Juneau Area	Mary Jane Fate	Athabaskan
Juneau Area	Daphne Gustafson	Eskimo
Minneapolis Area	Beatrice LaBine	Chippewa
Minneapolis Area	Mary Natani	Winnebago
Muskogee Area	Dorothy Snake	Cherokee
Muskogee Area	Ruby Haynie	Creek
Navajo Area	Louva Dahozy	Navajo
Navajo Area	Adele Lope	Navajo
Phoenix Area	Susanna Denet	Hopi
Portland Area	Verna Bunn	Makah
Southeast Area	Roberta Gibson	Cherokee
Southeast Area	Ruth Littlejohn	Eastern Cherokee
	Special Guests	
Clare Jerdone	D. J. Fosdick	Velma M. Wooth
Deloris W. Karty	Charles V. Delaney	

NAIWA OFFICE STAFF FOR PROJECT K51C14200761

Mrs. James M. (Marie) Cox - Comanche Tribe
Director and Administrator
NAIWA Project #0761
3201 Shadybrook Drive
Midwest City, Oklahoma 73110

Administrative Assistants

Mrs. Judy Baggett

Mrs. Mildred Cleghorn

CLERICAL ASSISTANT

Mrs. Mildred M. Ferguson

3. COMPLETED QUESTIONNAIRES

The review, evaluation and recommendations to follow were based on the receipt of 237 completed questionnaires from the BIA Area jurisdictions. This represents 82% of the questionnaires distributed.

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REVIEW, EVALUATION, AND RECOMMENDATIONS

1. REFORMS NEEDED IN HANDLING FOSTER CHILD CARE FOR INDIAN CHILDREN

1a. A REVIEW OF BIA'S FOSTER CHILD CARE PROGRAMS AND PROCEDURES

In order to fulfill the objectives pertaining to reforms needed in handling foster child care for Indian children, six different questionnaires were developed. The Questionnaire for BIA Area Social Services (NAIWA 0761-573-1) was used by the Representatives in interviewing the Area Social Workers. This questionnaire was also used by those interviewing on the agency level. The Questionnaire for Foster Care Programs (NAIWA 0761-573-3) was used by the Representatives for three different interviews. This offered a comparison of the foster care practices of the Bureau of Indian Affairs, of the state welfare departments and of a private foster care agency.

In each area, interviewers used the following questionnaires in order to evaluate the foster care programs from the participants' viewpoint: Questionnaire for Foster Parents of Indian Children (NAIWA 0761-573-6), Questionnaire for Indians Who Have Had Foster Care Experience (NAIWA 0761-573-7), Questionnaire for Parents of Indian Children in Foster Homes (NAIWA 0761-573-8), and Questionnaire for Concerned Tribal Councilman (NAIWA 0761-573-12).

Responses were received from ten areas to the Questionnaire for Foster Care Programs (NAIWA 0761-573-3). Thus the information discussed was gathered from all areas, except Portland Area. There was limited foster care provided by the BIA in Portland Area. Aberdeen Area has a substantial number of children in foster care (827), with 376 foster parents. A thorough study of the Area Social Services Programs was obtained through the use of the Questionnaire for BIA Social Services (NAIWA 0761-573-1). All Social Services staff and selected agency staff were interviewed. No foster care is provided by the BIA in Anadarko, Muskogee, or Minneapolis Areas. The definition used for foster care in this instance pertained to foster homes recruited, used and maintained by the Bureau of Indian Affairs Social Services staff.

The majority of the areas had set standards for foster homes and foster parents which were identical to the state standards. The standards were parallel with Child Welfare League of America standards. However, in all cases documented, the final decision of approving a foster home was left to the worker's discretion. It is the opinion of this reviewing organization that this freedom of decision makes it easier to recruit Indian foster homes. It has been discussed that the

houses of potential Indian foster families often do not meet licensing requirements. Therefore, if the worker can use his discretion as to meeting these specific requirements, more Indian children can be placed with Indian foster families. In all cases, the primary goal of all BIA foster care social workers is to reunite the child with his family. Relative resources are explored and foster care is used as a last resort. However, foster care appeared to be considered the best placement for most children, preferable to an institution or boarding school.

Only one area was able to give an accurate caseload for their social workers handling foster care. The other responses indicated their workers were overloaded with cases and could give casework services only as time allowed. All areas which have foster care programs (except Southeast) cited "lack of staff" as the reason for inadequate services to families in order that they might be reunited.

One of the complaints of many persons has been that too many children might be placed in one foster home. This could easily be a legitimate complaint as only three areas adhered to state guidelines for a maximum number of foster children in one home. Three areas have no maximum; however, Navajo limits the number to three unless they are siblings. Only two areas indicate that they used state standards for determining workloads for foster parents.

All areas paid state rates for foster care. There was a wide variance in the number of times the social worker visited the home, from once a month to once every three months, but generally always depending on the child's needs. In all but one case, foster homes were licensed or re-evaluated annually. BIA foster parents have few training opportunities. Only Southeast Area offers training programs for their foster parents. In all instances, medical care was satisfactory although there is a definite need for mental health services. Only Billings Area indicated that foster children in BIA foster homes stay in foster care over an average of six months. It would appear that children in BIA foster homes are there a relatively short time.

Suggestions from BIA social workers for improving the foster care program were varied and all emphasized a need for more Indian foster parents and placing Indian children in Indian foster homes. All areas need more staff in order to provide more thorough casework services to Indian families. A group home for teenagers and pre-delinquents was listed as a definite need. One suggestion was for a fulltime Child Welfare worker to handle only cases involving children and who could work with foster parents. It is the feeling of this reviewing organization that these recommendations should be strongly considered.

1b. A REVIEW OF FOSTER CHILD CARE PROGRAMS OF VARIOUS AGENCIES, I.E. STATE, COUNTY, PRIVATE, INSTITUTIONS, ETC., OTHER THAN THE BIA

As noted previously, the same questionnaire (NAIWA 0761-573-3) was used to review state welfare departments and private child placing institutions. Seven private institutions were studied. Fourteen state welfare departments were interviewed concerning their foster care programs.

In studying the responses from the private foster care programs, a very desirable requirement for foster home licensing was recognized. Instead of the rigid physical standards for houses of foster families, the statement was that the house must meet community standards and have space to shelter the child. Standards for foster care social workers were a Masters of Social Work degree. All agencies responding had training programs for their foster parents. They adhered to state standards for payment and standards of the foster parents. On other points, the practices of the private programs were parallel to the BIA and state foster programs.

Foster care specialists of welfare departments in the following states were interviewed: South Dakota, New Mexico, Oklahoma, Kansas, Montana, Alaska, Minnesota, Nevada, Arizona, Mississippi, and North Carolina.

There appears to be an emphasis on recruiting Indian foster parents, particularly in Minnesota, South Dakota, Nevada, Mississippi, New Mexico, and North Carolina. Likewise in these states, the foster care workers try to place Indian children in Indian foster homes. In most areas of Alaska, there is an emphasis on placing Native children in Native foster homes.

Standards for foster homes and parents were explicit and followed Child Welfare League of America standards. It is the opinion of the reviewing agency that an important requirement is that there be two parents in the family. It is also required that each child has his own bed, unless he sleeps with a sibling. Character requirements for foster parents were satisfactory. Standards for foster care social workers are high. All states require a bachelors degree and prefer masters degree social workers. In New Mexico, foster care social workers must be knowledgeable of Navajo culture. This was made a requirement at the request of the Navajo Tribe. Caseloads for foster care social workers varied from 40 to 65 cases. In some instances, no count was given. All states gave a maximum of five or six as the number of children allowed in one foster home.

Social workers visit in the foster homes each month according to responses received. Foster parents are relicensed annually. Rates of payment are varied from $60 per month in New Mexico to

to $248 in the northern region of Alaska. Payment varied according to age of child and to his problems. All indicated that the rate of payment was adequate, except for clothing. All states felt their foster child received satisfactory medical care. The average length of stay in a foster home varied from six months to nine years to 21 years. Some states--Mississippi, North Carolina, Montana, Minnesota--are beginning to study or implement subsidized adoptions. It is the feeling of this reviewing agency that this would encourage more Indian children being adopted by Indian families. All the states studied indicated that their primary goal was to reunite families whose children were in foster care. All the states had foster homes or group homes for emergency placements. All these 14 states stressed a need for more training for foster parents.

1c. INTERVIEWS ON AND OFF INDIAN RESERVATIONS, PARENTS OF CHILDREN IN FOSTER CARE; INDIAN ADULTS WHO AS CHILDREN RECEIVED FOSTER CARE; FOSTER PARENTS OF INDIAN CHILDREN OR YOUTH RECEIVING SUCH CARE

Two interviewers in each area used two questionnaires in order to evaluate services given to foster parents of Indian children or youth and to parents of children in foster care.

There were 15 responses to the Questionnaire for Parents of Indian Children in Foster Homes (NAIWA 0761-573-8). Only one parent (in Anadarko Area) indicated that he would not prefer his child be with Indian foster parents. All other parents wanted their children in Indian foster homes. All but three parents gave a preference for an Indian caseworker. The parents would like to consult with the caseworker at least once a month. Three parents indicated that they seldom see their caseworker. All but one parent would like a regular written report on their child in foster care. The period of time their children were in foster care varied from two weeks to ten years, averaging three years. All but one parent were receptive to the interviews and all were cooperative with the interviewers.

There were 21 responses to the Questionnaire for Foster Parents of Indian Children (NAIWA 0761-573-6). There were responses from all eleven areas studied. Six foster parents said they got no moral support from the foster care worker. Both responses from the Portland Area were negative. Five parents indicated they saw their worker once a month, two saw their workers twice a month, two seldom saw their worker, three saw their worker whenever there was a need, and two parents said there was from a year to two years interval between visits. There were only three responses that indicated that payment was not adequate; however, several felt there was a need for better clothing arrangements. All foster parents felt that their medical resources were good, except Billings. Most foster parents used the services of the Public Health Service. Nine foster parents felt they needed services of a Mental Health

Clinic, with emphasis on group counseling and on the emotionally disturbed child. Three parents responded that they would like time for consultation with the therapist treating their foster child. Nine of the 21 foster parents indicated they could use training in child development, while two indicated a desire to know more about Indian culture. Thirteen said they would be willing to participate in a training program.

The responses to the question of how many foster children they felt they could take care of corresponded to the licensing limitations. These foster parents indicated they could care for 1, 2, 3, or 4, and 5 children at one time. Only one felt she could care for 8 or 10 children. Three foster parents felt their Indian foster children were basically different from their non-Indian foster children. Their reasons were that there were differences in languages and cultures, that Indian children were more withdrawn, and that they don't resent being corrected. Eight foster parents indicated that they were Indian.

Only three foster parents said they had no preference of children under twelve or teenagers. Four indicated they preferred preschool children and ten preferred under twelve. These opinions support the assumption that those under twelve are easier to place than teenagers. This also supports the theory of a different placement facility for teenagers, ie. a group home. There were no remarkable comments on the standards for licensing foster homes or foster parents. These foster parents said that the study should be very thorough, that foster parents should be Christian, and that housing standards were too strict. Although most foster parents were receptive to natural parents visiting and encouraged such visits, several commented that it should depend whether the child was to be returned home or not.

1d. INTERVIEWS OF INDIANS WHO RECEIVED AT SOME TIME FOSTER CARE SERVICES

The Questionnaire for Indians Who Have Had Foster Care Experience (NAIWA 0761-573-7) was developed and used by two interviewers in each area. There were 20 responses to this questionnaire. Five respondents had been in foster care one year or under. Nine were in foster care from four to eight years. Three children were in foster care 14 years and over.

Some of the standards for foster parents were listed as: kindness, being Christian, good character, teach child right from wrong, stable, non-drinkers, more understanding of why we do things and act like we do before they take us into their homes, treat foster children as they treat their own, and Indian children with Indian foster parents. These persons who had been in foster care were not particularly interested in high standards for the physical plant of the foster home. They listed a feeling of warmth, foster mother being at home, good firm rules, nothing fancy but kept clean, and preferring to be in an Indian home.

The greatest number of children in the foster home varied from just one to eight. Four were in a home with five children and there were seven persons who were in homes with three, six, and eight foster children. These former foster children said that they felt the foster parents could determine how many children they could care for. Sixteen felt that foster parents should be screened more thoroughly. Half the respondents felt that the social worker visited the home often enough, half felt they didn't visit often enough. Of these 20 responding, only five said that their foster parents did not encourage them to maintain their family relationships. Only one person said his foster care experience was bad. All others said their foster care experience was good, that they were grateful for the love and care given by their foster parents.

Recommendations for bettering the foster care program were varied. More Indian staff and more Indian foster homes were recommended. Several felt there was a need for "spending money" for the foster children. These respondents had no trouble in working out problems in their foster homes. These former foster children were most ambivalent about adoption. Ten said they would like to have been adopted. They commented that the child should be met half-way. One comment was that the social worker should help the natural parents and the other children still at home.

There were sixteen responses to the Questionnaire for Concerned Tribal Councilman (NAIWA 0761-573-12). There were responses from all areas, except Aberdeen Area. Tribal leaders of the following tribes were interviewed: Navajo, Choctaw, Blackfeet, Southern Ute, Zuni, Pawnee, Oklahoma Cherokee, Comanche, Mesquakie, Eskimo, Creek, Hopi, Shoshone-Bannock, Makah, and North Carolina Cherokee.

The Southern Ute, Blackfeet, and New Mexico Navajo tribes indicated that they make provisions for children who are abandoned, orphaned or who need money. The Blackfeet, Zuni, and Navajo in Arizona are planning for group homes and other services. Six respondents indicated that recreation programs were a special need of the Indian youth of their tribe. Two emphasized a need for libraries and two felt counseling was needed by their youth. Other needs stressed were summer jobs, better education programs and facilities, better health resources, and a need to learn responsibility. Representatives from seven tribes felt that there is an increase in the number of Indian children who need foster homes. Seven felt that there had been no increase and three did not know. All those responding felt this was a problem to which all tribes should give their attention. The responses to the reasons why a child should be placed in a foster home were realistic. Circumstances cited were no parental control, poor home environment, socially and economically deprived, neglect, broken homes, and alcoholic parents. Four suggested foster care only after all relative resources had been researched. These councilmen felt that personal contact was the way to recruit Indian foster homes. Contacting church women's organizations was also suggested.

NAIWA 0761-573-1 QUESTIONNAIRE FOR BIA AREA SOCIAL SERVICES

STATISTICAL INFORMATION

1. Unduplicated number of children provided care away from home, FY 1972

	BIA Foster homes	Contract Agency	Group Care	Specialized Institutions
Aberdeen	827	200	30	128
Albuquerque	30	91	132	31
Juneau	149	50	102	12
Minneapolis	25	280	10	5
Muskogee	2		4	2
Navajo	91	41	85	244
Southeast	131	0	28	46

2. Expenditures for care of children away from home in FY 1972

	Foster Homes	Group Care	Specialized Institutions	Facilitating Services	Total
Aberdeen	$247,925	$ 27,000	$165,053	$342,919	$782,897
Albuquerque	55,000	71,000	59,000	36,000	221,000
Juneau	283,603	358,000		49,763	691,316
Minneapolis	325,000	00	00	00	325,000
Muskogee	964	1,216	2,160	00	4,340
Navajo	30,120	712,386	4,834	00	747,340
Southeast	89,510	56,090	10,645	37,565	193,810

3. Number of child and youth care personnel positions in FY 1972

	Social Workers	Foster Parents	Area S.W., Supervisory S.W., Secretaries
Aberdeen	12	376	60
Albuquerque	1	25	1
Juneau	18	79	20
Minneapolis	2	150	4
Muskogee	19	00	2
Navajo	47	32	10
Southeast	16	42	14

NAIWA 0761-573-1 QUESTIONNAIRE FOR BIA AREA SOCIAL SERVICES

STATISTICAL INFORMATION

4. What is the salary range for child and youth care personnel positions?

	Administrator	Supervisor	Social Worker	Foster Parents	Secretary	Clerk
Aberdeen	$16,000	$14,000	$10,000	0	$ 6,000	$5,000
Albuquerque	NO FIGURES GIVEN					
Juneau (plus 25%)	19,700-30,018	16,682-21,686	11,614-18,190	$170-248	6,882-10,007	5,432-7,964
Minneapolis	15,000-20,000	10,000-18,000	7,000-15,000	unknown	5,400-7,000	4,800-6,000
Muskogee	20,000-25,000	17,000-20,000	7,600-15,000	none	6,800-9,200	
Navajo	16,609	13,996	13,996-11,614	$85 per month	6,882	6,128
Southeast	26,898-30,018	16,682-21,686	9,500-18,190	none	7,694-10,007	2,600

5. What amount of the budget allocated to the Area Office is designated for Social Services?

Aberdeen	$1,097,000	Includes salaries, supplies, travel costs, motor vehicle operation costs, training costs, and other direct service related costs			
Albuquerque	5.7%				
Juneau	5,969,000	G.A.	4,322,000	Medical	40,000
		C.W.	775,000	Social Services (Administrative costs)	832,000
Minneapolis	50,000				
Muskogee	1,811,600				
Navajo	22,620	G.A.	20,325.60	Mis	35.00
		C.W.	1,170.40	Social Services	1,089.00

NAIWA 0761-573-3 QUESTIONNAIRE FOR FOSTER CARE PROGRAMS

STATISTICAL INFORMATION

Statistical Information was not available from all States interviewed.

	Number of Indian children in foster homes	Number of Indian children in private institutions	Number of Indian children in special institutions
New Mexico	122	19	144
Nevada	68	17	
South Dakota	117	33	2
Wyoming	16		
Minnesota	826	65	30
Montana	256		

Expenditures for care of children away from home (per child)

	Foster Homes	Private Institutions	Group Homes	Specialized Institutions
New Mexico (monthly)	$70	$600-700	$300	$250
Nevada (monthly)	NA	$240-650	$250-300	$250-650
South Dakota	Different rates; each one submits statements			
Minnesota (yearly)	$987+	$3085.46		$2858.96

Salary Range for Child and Youth care personnel positions

	Administrators	Supervisors	Social Workers	House or Foster Parents	Secretary
New Mexico	We don't have these positions.				
Nevada	$17,860.- 22,634.	$10,726.- 13,496.	$ 8,957.- 11,226	$ 90.- 200. (per mo.)	$ 6,044. 7,496.
South Dakota	12,286.- 16,286.	10,109.- 14,768.	7,987.- 13,354.	$ rate per child	4,098.- 10,400.
Minnesota	10,500.- 29,100.	10,500.- 18,720.	8,400.- 14,340.	$5,160.- 7,020.	4,140.- 8,040.

EVALUATION OF REFORMS NEEDED IN HANDLING FOSTER CHILD CARE FOR INDIAN CHILDREN

A Review, Evaluation, and Recommendations meeting was held following the survey. Representatives and Interviewers were invited to give their input toward the final recommendations. Discussion brought out the following comments: The Navajo tribe has begun to provide foster care as a special project of the tribe. These women felt that responsibility should be put back on to parents to accept the child back into the family. More casework should be done with the foster parents. All said that their areas lacked mental health facilities. The children in remote areas in Alaska do not get adequate medical and dental care. In several areas there appears to be a lack of funds for glasses. Women from all areas, except Portland, indicated that from their experience, BIA Social Services, and Public Health Services were in conflict and that their relationships were very poor. Certainly it is in the best interest of the Indian community that allied agencies have a good working relationship.

One suggestion was that preschool education is a necessity in order to prepare the Indian child to compete in today's world. There was a concern about several claims that non-Indian foster homes receive a higher rate of payment than Indian foster homes. All participating agreed that the boarding home program run by the state of Alaska needs monitering. There appears to be little planning, little supervision, and no follow-up on these children. Since these are Indian children, the Bureau of Indian Affairs should become involved in working with the state of Alaska in supervising the children who participate in the boarding school program.

It was discussed that the statistical report which is submitted by BIA social workers does not accurately indicate the workload of each worker. As an example, one month in the Ardmore Agency, Muskogee Area, the following statistics were noted. The supervisory social worker made 285 contacts, another social worker made 200 contacts, the social services secretary made 75 contacts, whereas the statistical report showed only 69 new cases opened during the month. In order to justify the need for more social workers, it must be shown that the worker's time is expended totally each day.

Discussion was encouraged on each of the recommendations, so that input from each person participating was assured. The recommendations reflect the feeling of those members of NAIWA participating in the survey of "Special Needs of Indian Children".

RECOMMENDATIONS FOR FOSTER CHILD CARE FOR INDIAN CHILDREN

This reviewing organization has studied the foster child care programs of the Bureau of Indian Affairs, various private child care agencies, and several state foster care programs. Foster parents, former foster children, and parents of children in foster care were interviewed. This information has been analyzed and discussed in the foregoing narrative. Members of the North American Indian Women's Association met for a Review, Evaluation, and Recommendations meeting following the completion of the survey. This input, in addition to the survey findings has led to the following recommendations for changes in the foster child care program of the Bureau of Indian Affairs:

1. When at all possible, Indian Children should be placed with Indian foster parents.

2. In licensing Indian foster parents, the primary consideration should be love and understanding, not the physical standards of the house. The house should meet community standards and have space to shelter the child.

3. If relatives will care for an Indian child who needs foster care, that relative should meet the licensing requirements and should be paid the same rate as a non-related foster parent.

4. Indian young people should be encouraged to get college degrees so that they can work with their people in Social Services.

5. There should be an active effort to recruit Indian foster parents.

6. All foster care social workers should develop training programs for foster parents.

7. Foster parents serving Indian foster children should participate in foster parent groups or organizations.

8. Indian children placed in foster care should be placed in a two-parent foster home.

9. Clothing needs of the Indian child in foster care should be met by the Bureau of Indian Affairs.

10. Foster care social workers should contact the parents of foster children at least once a month, if the plan is to return the child to his home.

11. Foster care social workers should give parents a regular written report on their children who are in foster care.

12. Foster care social workers should work closely with foster parents to obtain mental health services for the foster child and include the foster parents in consultations.

13. Money for a personal allowance for the foster child should be included in the payment to foster parents.

14. Programs for recreation and for employment should be developed for Indian youth.

15. Social Services personnel should work with other community resource persons and agencies in order to provide the best services to the Indian people.

16. The possibility of subsidized adoption should be considered by those dealing with Indian children.

17. The $100 clothing allowance per semester for the needy boarding school students should be used for the needs of the student. Social workers should be able to use their discretion in administering this money for the needs of the child.

18. BIA Social Service workers should work toward a good working relationship with Public Health Service workers.

19. In order to substantiate the need for more social worker positions in the areas and in the agencies, workers' daily work sheets should be used. These day sheets more accurately show the number of contacts made and the actual time spent on each contact.

20. BIA should become involved in the boarding home program in Alaska to insure proper service and supervision for Alaska Native children.

2. PROGRAM IMPROVEMENTS DESIRED FOR INDIAN STUDENTS WHO HAVE SPECIAL NEEDS AND WHO ATTEND BUREAU BOARDING SCHOOLS OR DORMITORIES

2a. TYPE OF GUIDANCE AND COUNSELING SERVICES RECEIVED AND NEEDED

In order to fulfill the objectives pertaining to program improvements desired for Indian students who have special needs and who attend Bureau boarding schools or dormitories, eight different questionnaires were used:

BIA Education Programs for Indian Children (NAIWA 0761-573-2)
Indian Boarding School Personnel (NAIWA 0761-573-4)
Determine the Feasibility of a Specialized Institution for Indian Children (NAIWA 0761-573-5)
Indian Boarding School Instructional Aides (NAIWA-0761-573-9)
Indian Children in Boarding School (NAIWA 0761-573-10)
Parents of Indian Children in Boarding School (NAIWA 0761-573-11)
Concerned Tribal Councilman (NAIWA 0761-573-12)
Indian Person Who Has Attended an Indian Boarding School (NAIWA 0761-573-14)

The above questionnaires were used in interviewing the Area and Agency Education Specialists, Indian Boarding School Personnel, the person in charge of the school, and Instructional Aid and student.

The purpose of the questionnaires used was to learn the type of guidance and counseling services which were available to the Indian students and which services were most effective and needed. These revealed that counseling and guidance was carried on by Instructional Aides, Night Attendants, Certified Counselors, Psychiatrists, School Social Workers, Education Specialists, Department Heads, and Social Workers in the Agency and Area Offices, as well as other employees coming in contact with the students.

Other methods used included home visits, personal and group counseling, as well as casual contacts. These sessions ranged from once a day to two times a semester.

The greatest need was for staff. It was revealed that in some schools, one person sometimes watches over three floors in a dormitory. It was also found that there is a ratio of one employee per 100 students, whereas a maximum of one per 20 would be better. The reason for stating a maximum of one per 20 students is that the need is so great. This is shown by the following percentages of those attending boarding school who are there for social reasons and because they are not able to get along with others:

Aberdeen	90%	
Albuquerque	63%	
Anadarko	85%	
Billings	90%	
Juneau	20%	
Minneapolis	80%	
Muskogee	95%	
Navajo	43%	The Navajos are keeping more students
Phoenix	85%	in their own area.
Portland	60-70%	
Southeast	90%	Choctaw
	100%	Cherokee

In some schools students are brought to the boarding schools because of encounters with the law. This percentage is from ten to 50 percent.

More services dealing with the emotionally disturbed and retarded students are needed. More staff is needed in the home living program. A psychiatrist is needed especially for the more severe cases. There is a definite need for more professional training for the Instructional Aides and Night Attendants who are with the students in their out-of-school hours. A social worker is needed in each school system. A vital need is for parent involvement and tribal involvement. Recreational facilities for leisure time are urgently needed. The employees need to be knowledgeable of their students' background. Better living facilities, in smaller units are needed to allow a smaller ratio of student and worker in home living areas. A speech and hearing program is needed in every school. One speech therapy instructor stated one of the major problems with the students is articulation problems, substitutions, distortions, and omissions. Out of 70 students in her elementary grades in Public School, 24 were Indian.

2b. WHETHER AND TO WHAT EXTENT ACADEMIC TUTORING IS NEEDED

To find whether and to what extent academic tutoring is needed, the following questionnaires were used:

Indian Boarding School Personnel (NAIWA 0761-573-4)
To Determine the feasibility of a Specialized Institution for Indian Children (NAIWA 0761-573-5)
Indian Children in Boarding School (NAIWA 0761-573-10)

The need for academic tutoring in the areas is as follows:

Aberdeen	90%
Albuquerque	100%
Anadarko	30-80%
Juneau	60%
Muskogee	30-90%
Navajo	50%
Phoenix	10-90%
Portland	50%
Southeast	20-40%

Billings--No report
Minneapolis--No boarding school

The foregoing percentages indicate an extreme need for tutoring. All areas have some program to help in this area, including Title 1, but this is not enough.

2c. WHETHER REMEDIAL PROGRAMS ARE NECESSARY AND WHAT SUBJECTS SHOULD BE TAUGHT

From the percentages shown in Section 2b, it is quite evident that a remedial program is a necessity. The Representatives and Interviewers used the following questionnaires:

Indian Boarding School Personnel (NAIWA 0761-573-4)
Indian Children in Boarding School (NAIWA 0761-573-10)
Indian Person Who Has Attended an Indian Boarding School (NAIWA 0761-573-14)

According to the person in charge of a Boarding School (NAIWA 0761-573-4), the following are the subjects most called for in remedial programs:

Aberdeen	Reading, math, sciences
Albuquerque	Reading, math, language,arts
Anadarko	Reading, math, science, language,arts
Juneau	Reading, math, science, all subjects
Minneapolis	No boarding school
Muskogee	Reading, math, science, English
Navajo	All subjects
Phoenix	Reading, math, science, English, social studies
Portland	Reading, math, science, language,arts, social studies
Southeast	Reading, math, English

2d. WHETHER STUDENTS DEMONSTRATE IN INTERVIEW SETTINGS THE ACADEMIC COMPETENCIES BEING TAUGHT

In order to have an opportunity to witness whether students demonstrated in interviewing settings the academic competencies taught them, the interviewers used the questionnaires: Indian Children in Boarding School (NAIWA 0761-573-10) and Indian Person Who Has Attended an Indian Boarding School (NAIWA 0761-573-14).

Students and former students from various boarding schools in ten areas were interviewed. The qualities especially noted were straight forwardness, cooperation, confidence, relaxation, thoughtfulness before answering, some were quite interested and alert. Only about three seemed a bit shy and reticent to elaborate on any question although they were cooperative.

2e. EMPLOYEE ATTITUDES TOWARD STUDENTS, PARENTS, AND JOBS

Attitudes of employee toward students, parents, and jobs were gathered from interviews of personnel and students in answering the following questionnaires:

BIA Education Program for Indian Children (NAIWA 0761-573-2)
Indian Boarding School Personnel (NAIWA 0761-573-4)
The Feasibility of a Specialized Institution for Indian Children (NAIWA 0761-573-5)
Indian Boarding School Instructional Aides (NAIWA 0761-573-9)
Indian Children in Boarding School (NAIWA 0761-573-10)
Indian Person Who Has Attended an Indian Boarding School (NAIWA 0761-573-14)

There is an attitude of deep concern among our Area Education Specialists and Boarding School personnel that the percentage shown in Objective 2a is so high (75.9%). The concern shown is based on the reasons why the students are attending boarding school which is because of "social reasons" and "not being able to live with others". These conditions cannot be corrected because of insufficient staffing which produces the high ratio between student and staff in classroom and home living areas. A very real concern is the lack of qualified personnel in certain areas, especially pertaining to the emotionally disturbed child.

In the academic area, the attitudes of these employees are of concern among those questioned because there is much need for additional tutoring in certain fields, especially reading, math, English, and science. The questionnaires showed that many students come from public schools to the boarding school because they had failures in these areas. Although assistance is being given to the schools through Title 1, this is not sufficient. More funds are needed to hire more qualified staff.

Parents need to be involved, as well as tribal leaders through any means. Parents need to keep in contact with their children in boarding schools through visiting or writing.

The Representatives and Interviewers were able to discover the employees' attitude to their jobs through the previously listed questionnaires. In one area, an education personnel was deeply concerned with the problem of which is most important--to try to give the child an academic background or excuse him from class to participate in civic activities which causes him to get behind in his school work. Make-up work is seldom satisfactory. The number of days he is to be in school or class is also less. The state laws require the student attend class a certain number of days.

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Discipline for students was another problem. The employee feels the child should learn discipline, and that it will help him in later life. This is difficult because of "Student Rights" and BIA regulations. Personnel feel more consistency from those in authority is needed. This authority breaks down in the maneuvering from person to person. More contact with parents is needed. There is not enough time for follow-up with each individual student.

Some of the problems of early training and discipline are menifested when the child reaches college age. These conditions were discussed during the interview of Haskell Indian Junior College, Lawrence, Kansas. Excerpts of letters from the Superintendent, Dean of Students, and Dean of Instruction are as follows:

(1) Opening remarks by Wallace Galluzzi, Superintendent, Haskell Indian Junior College, September 5, 1973.

There is a particular area I am concerned about--the products of which are finally received here at Haskell. That is where a single-middle-aged woman is allowed to adopt a child. This is meeting the needs of the woman, not the child. The result is that when a problem occurs, and there is no legal responsibility, the child is completely and totally rejected. Can you imagine the impact this has on the child--what types of mental problems this is going to cause?

Also, to go along with an adoption, where no evaluation of the family is made. For example, we had a 19-year old girl who was mentally disturbed. She had been taken from the Navajo reservation as a child by an older couple who had no children and eventually she landed here. She had the normal teenage problems, and they completely rejected her. They said they just couldn't cope with her. She was acting out her frustrations in being abandoned or rejected. She was very much disturbed. We have no resources for such a severe problem here.

Adoptions should be carefully studied.

(2) Mr. Frank Quiring, Dean of Students, Haskell Indian Junior College, September 25, 1973.

We feel the need for more opportunities for women. Fifty percent of our enrollment is male, and 50 percent is female, yet the courses offered are mostly for the male student. We need an Indian woman counselor who could help the young Indian women understand what opportunities

are available for them today, and horizons that might be available to them. The young person has limited experiences as far as what the world of work has available for them. I think it is important enough to recommend that a position be established for an Indian woman counselor--advocating women's opportunities in the world. If this worked, then we could expand this to cover other areas to develop educational opportunities for women.

We need a student appraisal program. We accept quite a number of students, and of 1500 students, we end up with 1000. I think we could be more selective and perhaps have a better school program. We can consult with students prior to their coming to school and prepare them for certain restrictions that will be expected of them on campus, and as students, in a junior college. Perhaps in this way, the students themselves would be better prepared.

(3) Remarks by Mr. Bill Burgess, Dean of Instruction (Curriculum).

What makes Haskell so unique is that there are so many life styles involved here. We almost have to begin at the first, teaching English to Indian students. We need to be able to individualize so that students can work at their own pace. So many students come here not knowing what college can do or do not have any particular goals. It is our job to turn it into a meaningful experience. They don't see other ways of earning a living besides social workers or teachers.

We do a lot of advising in helping them enroll, in taking the right courses to accomplish what they want, but could not be termed as formal counseling. Every student has a faculty member as an advisor and can't enroll without consulting with an advisor to see if they do meet the requirements. We had to make this compulsory in order to have this happen, because some students would try to by-pass an advisor. There are 80 instructors available. Three of our most important needs are:

a. I think what the student needs is a better working relationship with Indian lay people. Our students are not supported enough by their home communities to feel a challenge to excel. They need a close working relationship with their own local communities.

b. Second, we have a handicap of employment of staffing, holding to regulations that we have to in order to hire qualified persons. Civil Service would take exeptions to my statement. Some of our worse staff members (Indians and non-Indians both) can't generate sympathy for Indian students. For example, having to accept an Indian veteran over an Indian person who is really qualified and who would probably work better with Indian students. Not enough Indian people are qualified. Indian people, who have many fine qualities and qualifications from the Southwest, Zuni, Pueblo--would not come this far for employment--they prefer to stay within their own areas and work. So most of our Indian employees come from Oklahoma. What we would like to have are Indian people to teach their Indian languages, but try to find a person with a Masters degree who can speak their own language. We have a fine person here who has worked right at Haskell for many years, who is an excellent craftsman, but who doesn't have academic credentials. Civil Service is not willing to make exceptions to allow this person to teach his crafts.

c. Third, not enough research and not enough documentation was made to have a successful Indian Junior College. If we could have changed over completely when it was decided that we would have a junior college, instead of trying to phase some things in and some things out, we could have avoided a lot of misunderstanding and confusion.

2f. STUDENT ATTITUDES TOWARD TEACHERS, OTHER SCHOOL EMPLOYEES, PARENTS, AND ENVIRONMENT

In seeking out the attitudes of students toward teachers, other school employees, parents, and environment, the following questionnaires were used:

Indian Children in Boarding School (NAIWA 0761-573-10)
To Determine Feasibility of a Specialized Institution for Indian Children (NAIWA 0761-573-5)
Indian Person Who Has Attended an Indian Boarding School (NAIWA 0761-573-14)

Congeniality of the teacher was a quality most mentioned. The students also wanted the cooperation of teachers to help them with some of their school work. The students also indicated they had no preference whether the teacher was Indian or not.

From the ten areas responding some of the things former boarding school students wished they had had was more instructional aides; more interaction with their teachers; more family type living, a closer unit; more input on matters directly affecting students regarding policy and curriculum development; being able to go home for holidays; more spending money; school to offer and encourage more college preparatory work and counselors who do not look so busy and can talk with them.

2g. WHAT OTHER TYPES OF PROGRAMS NEED TO BE DEVELOPED WITH INDIAN VALUES IF DESIRED, FOR STIMULATING A CODE OF LIFE THAT WILL AID THE INDIAN STUDENT TO FUNCTION EFFECTIVELY IN PRESENT DAY SOCIETY

The following questionnaires were used to find what other types of programs are needed to be developed, with Indian values if desired, to stimulate a code of life that will aid the Indian student to function effectively in present day society.

BIA Education Program for Indian Children (NAIWA 0761-573-2)
Indian Boarding School Personnel (NAIWA 0761-573-4)
Indian Boarding School Instructional Aide (NAIWA 0761-573-9)
Children in Boarding School (NAIWA 0761-573-10)
Parents of Indian Children in Boarding School (NAIWA-0761-573-11)
Concerned Tribal Councilman (NAIWA 0761-573-12)
Indian Person Who Has Attended an Indian Boarding School (NAIWA 0761-573-14)

From the above questionnaires it was found that since most students are dropouts and socially maladjusted, it is more difficult to prepare them for college. This statement is derived from Section 2a, showing percentage of why students are in boarding schools. In one area, Minneapolis, 80% of students in college graduated from public schools and 20% from boarding schools. Some important services needed by different areas are more psychiatric help; program for students with speech and hearing defects; alcoholism, drug and sex education programs; special studies in early childhood education; recreational programs; some means for providing money for students without any means of getting any; business ethics; cultural programs; a definite need for associating and assimilating with non-Indian groups; pre-vocational exploration opportunities.

One question asked was "What type of program would help you best to prepare yourself for life?" It answered by a majority of former boarding school students with either 'on the job training' or 'vocational tech program'. Programs are needed to develop a sense of responsibility; stronger home living and management programs and preservation of own native culture.

EDUCATIONAL STATISTICAL INFORMATION

Area	Amt. per student per yr.	% enrolled because of soc & econ reasons	School	Number enrolled	% who need tutoring
Aberdeen	$1600	90%	Pierre	100	90%
Albuquerque	1015	63%	Albuq. IS	628	100%
Anadarko	3488	85%	Haskell Ft. Sill	1000 256	30% 80%
Billings	2600	90%	Billings	250	
Juneau	2507	20%	Mt. Edgecomb Nome	452 76	60%
Minneapolis	800	80%	(These students go out of state)		
Muskogee	1979	95%	Sequoyoah Carter Seminary	310 127	30% 90%
Navajo	2325	43%	Ft. Defiance Toyei	231 570	50%
Phoenix	2700	85%	Phoenix	650	10% Area Figure 90% Counselor's
Portland	3400	60-70%	Chemawa	600	50%
S.E. Choctaw	1474	90%	Choctaw Central	442	40%
Cherokee		100%			20%

From the above information it has been found:

a. 75.9% of students enrolled in boarding schools are there because of social or economic reasons.

b. 60.8% of students enrolled need academic tutoring.

c. Subjects in which tutoring is most needed are listed below in the order of most need:

Math
Science
Reading
Language arts
English
Social studies

NAIWA 0761-573-2 QUESTIONNAIRE FOR BIA EDUCATION PROGRAM FOR INDIAN CHILDREN

STATISTICAL INFORMATION

Area	1. Number in Bdg. School FY, 1972	2a. Costs for care except Acad. prog.	b. Costs not in "2a"
Aberdeen	4,393	$3,136,545	--
Albuquerque	1,097	1,606,000	--
Anadarko			
Billings	532	243,775	--
Juneau	1,045	1,847,627	$772,081
Minneapolis			
Muskogee			
Navajo	23,000	$950 to $1,000 per child	
Phoenix	2,563	4,126,284	--
Portland			
Southeast	--	186,011	717,866

3. Number of child and youth care personnel position in FY 1972

Area	Guidance Workers	Instructional Aides	Other
Aberdeen	41	137	205
Albuquerque	9	74	52
Anadarko			
Billings	2	8	8
Juneau	10	28	129
Minneapolis			
Muskogee			
Navajo	110	1,349	1,926
Phoenix	40	109	71
Portland			
Southeast	4	21	53

NAIWA 0761-573-2 QUESTIONNAIRE FOR BIA EDUCATION PROGRAM FOR INDIAN CHILDREN

STATISTICAL INFORMATION

4. What is the salary range for child and youth care personnel positions?

Area	Administration	Supervisor	Guidance Worker	Instructional Aide
Aberdeen	$11,046-15,529	$ 9,053-15,886	$ 9,053-12,886	$ 5,828-9,515
Albuquerque	13,996-22,328	7,694-13,996	11,614-13,162	6,128-8,722
Anadarko				
Billings	15,394	7,694-8,465	9,520-13,336	6,128-7,798
Juneau	23,088	7,694-16,682	11,614	6,128-6,882
Minneapolis				
Muskogee				
Navajo				
Phoenix	13,396-13,033	11,614-13,996	11,614-16,682	5,432-7,694
Portland				
Southeast	12,388-21,671	13,936-16,792	10,471-15,860	4,389-9,236

NAIWA 0761-573-2 QUESTIONNAIRE FOR BIA EDUCATION PROGRAM FOR INDIAN CHILDREN

STATISTICAL INFORMATION

Area	Secretary	Clerk	Maintenance	Cook
Aberdeen	$5,828- 7,634	$5,166- 6,798	$ 5,800- 15,000	$ 5,800- 12,000
Albuquerque	6,882- 8,722	5,166- 6,798	6,500- 14,100	7,825- 11,690
Anadarko				
Billings		8,943		7,176- 9,110
Juneau	6,882-	6,128		5.86 Per Hr. to 6.78
Minneapolis				
Muskogee				
Navajo				
Phoenix		5,432		5,432- 7,694
Southeast		5,975- 9,750	655- 8,653	2,738- 11,419

RECOMMENDATIONS FOR PROGRAM IMPROVEMENTS DESIRED FOR INDIAN STUDENTS WHO HAVE SPECIAL NEEDS AND WHO ATTEND BOARDING SCHOOLS OR DORMITORIES

This reviewing organization has studied the Boarding School of eleven areas of the Bureau of Indian Affairs, through the Area and Agency Education Specialists, Instructional Aides, School Superintendents, or those in charge at the time of the interview, Indian children in boarding schools, parents of Indian children in boarding schools, Tribal Councilmen, Indian persons who had attended an Indian boarding school. This information has been analyzed and discussed in the foregoing narrative. Members of the North American Indian Women's Association met for a Review, Evaluation, and Recommendation meeting following the completion of the survey. This input, in addition to the survey findings, has led to the following recommendations for program improvements desired for Indian students who have special needs and who attend Indian boarding schools or dormitories.

1. Parental, community, and tribal involvement and support is needed.
2. Have specific guidelines on programs and follow them.
3. Have funds commensurate with each program in order to meet the needs of the student.
4. Enforce school attendance law.
5. Cottage-type living or small group living in dormitories to lower ratio.
6. Recommend the addition of recreational and teacher aides.
7. Need for more Indian people in guidance and counseling.
8. More training for staff such as Career Training.
9. Need for training of staff in group therapy.
10. Need a social worker in every school.
11. Need a Community Health Representative in every school.
12. Potential students need more orientation at reservation level to learn about the life at an off-reservation boarding school.
13. Start with elementary students in building up a sense of responsibility in doing school work to completion.
14. Need funds for a home visit for students during the year.

15. Need psychiatrist in each boarding school.

16. Better communication between counselors and dormitory personnel.

17. Better communication among reservation social worker, school social worker, guidance personnel, counselors, instructional aides, and night attendants.

18. Divorce maintenance and custodial work from work of instructional aide and night attendant.

19. Need flexibility in selecting training and putting staff together to accomplish goals by defining and assessing needs of the students and developing program and service to meet the needs on the part of all staff.

20. Keep a professional person on duty after regular eight-to-five hours in the boarding school, such as counselors and guidance workers. This may require changing the times of duty hours.

21. Set aside one school for the emotionally disturbed student to attend before sending him to a boarding school, in order that he may go through a period of orientation.

22. Have a special school for the alcoholics. (See Section 3)

23. Have special training for the Advisory School Board.

24. The Advisory School Board should visit in the school classroom and visit with the students.

25. Need more funds for adequate staffing.

26. Academic tutoring is needed in all areas as shown in the narrative. Approximately 60.8% of all boarding school students need academic tutoring.

27. The survey indicates that there is a need for remedial programs in all boarding schools. Remedial programs are necessary as listed in the order of need: math, science, reading, language arts, English, and social studies.

28. Haskell Junior College needs to offer a more varied program for female students.

29. A Home Living Course should be required at least one year for both boys and girls.

30. Have a part-time job system made available to students.

31. Types of programs needed to be developed to stimulate a code of life that will aid the Indian student to function effectively in present-day society are:
    a. Strong leadership training, stability, punctuality
    b. Opportunity to belong to and participate in professional organizations.
    c. Art
    d. Craft
    e. Fine arts
    f. Career training
    g. Religious education
    h. Space-age technology
    i. Indian studies program--cultural awareness
    j. Vocational training
    k. Respect for law
    l. Orientation for child and parents in the boarding school regarding academic standards

32. Have a student bank to help students learn how to keep books on funds.

33. Expansion of Project Headstart as early childhood education means so much to an Indian child to give him an opportunity to be better able to compete with non-Indian students (Most parents cannot afford the tuition, $115-$150).

34. A monthly report on student should be sent to natural parents for their involvement. This would insure counselor contact with each student.

3. CONSIDERATION OF INDIAN CHILDREN WHO HAVE SPECIAL NEEDS AND ARE GENERALLY CARED FOR IN SPECIALIZED INSTITUTIONS

3a ASSESSMENT OF LEARNING ABILITIES

In consideration of Indian children who have special needs and who are generally cared for in specialized institutions, one particular questionnaire was developed. This "Questionnaire to Determine the Feasibility of a Specialized Institution for Indian Children" was used in interviewing boarding school administrators. Responses from the Questionnaire for Indian Boarding School Personnel (NAIWA-0761-573-4) and the Questionnaire for BIA Education Program for Indian Children (NAIWA-0761-573-2) were also used in studying this phase of the survey.

In relation to this section, the boarding schools surveyed were: Mt. Edgecumbe, Albuquerque Indian School, Sequoyah, Phoenix Indian High School, Tohatchi School, Toyei, Cherokee Central, Carter Seminary, Pierre, Ft. Sill Indian School, and Wrangell Institute. The emphasis was on the high school student in boarding school who has special needs and whether these needs are being met, or whether there is a need for a specialized institution for this type student.

In attempting to assess the learning abilities of the boarding school child, the opinions of the Area Education Specialists were used. Agency Education Specialists and Agency Superintendents were also interviewed. Eight responded that they felt the child in boarding school received the education he needs to enable him to enter college or for further training. Three responses were that it was less possible to prepare the boarding school child for college or further training. One comment was that the quality of instruction was not as high as public school. These responses seem to indicate that the boarding school child has learning ability comparable to that of the non-boarding school child. However, as was noted in Section 2a, an average of seventy-six percent of the children in boarding school are there for social reasons and because they are not able to get along with others. These factors would certainly influence a child's ability to concentrate on learning. Therefore, it is the opinion of this reviewing organization that the majority of the children in boarding school are not able to focus their full attention toward scholastic achievement.

3b CORRECTION OF ENVIRONMENT DEPRIVATION

Of those interviewed with the Questionnaire to Determine the Feasibility of a Specialized Institution for Indian Children (NAIWA 0761-573-5), six responded that

they considered over 80% of their students to be environmentally deprived. The ratio of instructional aides and night attendants to students varies from one per 15, to one per 20, to one per 40, to one per 150. These administrators indicated that they felt an ideal ratio would be from one per 30 to one per 50, which averages one per 15. It is not possible to correct environmental deprivation without close contact from the home living staff. The Juneau Area boarding schools had enrichment programs for these environmentally deprived children. They offer art, drama, music, physical education, home economics, encourage their students to take part in local social events and activities. They also have a developmental guidance process. The Albuquerque Area boarding school responding indicated it tried to make its dorms as comfortable and homelike as possible. The responses from Muskogee, Navajo and Southeast Areas listed field trips and films as important factors in their enrichment programs.

3c OVERCOMING SOCIOLOGICAL RETARDATION

Only in the Southeast Area did the boarding school administrator indicate that none of his students were considered sociologically retarded, i.e. being unable to meet society's expectations of a child his age. Responses from Navajo and Juneau indicated that 50 per cent of their children are considered to be sociologically retarded. All those boarding schools which indicated this problem also had programs to help overcome this retardation. The focus was on student involvement in activities outside of class. It would appear from this survey that sociological retardation of the boarding school child is not a severe problem in all Areas.

There appeared to be a higher number of boarding school students who have learning disabilities. The respondent from the Albuquerque Area indicated the highest percentage, 100 per cent, but gave the reasoning that English was the second language of the children. One of the responses from the Juneau Area indicated that 100 per cent of the enrollment had learning disabilities. The students from the Albuquerque Area attended special workshops and have reading and language laboratories. A second response from the Juneau Area indicated that 50 per cent of boarding school students had learning disabilities. Special teachers are provided for these students. Phoenix Area indicated that 90 per cent of their students had learning disabilities and that no special teachers were available. A very small percentage of boarding school students in Muskogee Area and Navajo Area were considered to have learning disabilities. Special teachers are available for these students.

It appears to the reviewing agency that a smaller staff-pupil ratio would alleviate many of these problems identified as learning disabilities.

3d COUNSELING CONCERNING EXCESSIVE TROUBLE AT HOME

To determine the number of children attending boarding school because of excessive trouble in their homes, boarding school superintendents were interviewed. To add depth to this consideration, the type of guidance and counseling services offered the student were also studied.

The response from Albuquerque Area indicated that 84 per cent had excessive problems in their homes. In this particular boarding school, there is one psychiatrist and only one counselor for every 100 students. There is a definite need for more counselors.

The response from Muskogee Area was that a very small percentage of this boarding school population had excessive trouble at home. However, it must be noted that almost all boarding school referrals are for social reasons. It must also be noted that all boarding schools in the Muskogee Area have school social workers. This particular boarding school studied has a staff of seven in the guidance department and 30 instructional aides.

Navajo Area indicated that only 40 out of 570 students in the boarding school studied were there because of excessive trouble at home. There was only one counselor. As noted in section 2a, however, 76 per cent of the students were there because of social reasons.

The report from Phoenix Area indicated that 60 to 80 per cent of the boarding school population studied were there because of excessive trouble at home. It was noted that certified counselors were available for the students, however no number was given.

Only a small number of the children in boarding school studied in the Southeast Area were sent because of excessive trouble in the home. The counseling services available were lacking and it was felt that at least six other counselors could be used.

3e COUNSELING CONCERNING EXCESSIVE TROUBLE AT SCHOOL

The Questionnaire to Determine the Feasibility of a Specialized Institution for Indian Children (NAIWA 0761-573-5) was used again to study the need for counseling concerning excessive trouble at the student's local school. Boarding school administrators, social workers, and Area Education Specialists were interviewed.

Albuquerque Area reported that 84 per cent of the boarding school population studied had children who were placed there because of excessive trouble in their local schools. Counseling is available to try to alleviate this problem. Muskogee Area indicated that most of the boarding school population studied had experienced excessive trouble in their local schools. However, it was felt that the failure was more academic than social. Lack of parental support was the cause of the students' academic failure. The entire program of this boarding school is geared to helping to overcome this scholastic failure.

Navajo Area indicated a very small number required counseling because of excessive trouble in local schools. Phoenix and Southeast indicated that this particular problem was non-existant.

It is the feeling of this reviewing agency that many children are referred to boarding schools because they are not able to adjust in public schools. Many students responded that boarding school is easier than public school and that they felt the child in public school received a better education. However, most responded that they would prefer being in boarding school because of more activities, the opportunity to meet other Indian students, and to learn home practices.

3f PROBLEM OF JUST WANTING A CHANGE

Only the Navajo Area boarding school indicated a high percentage (50 per cent) of the students who wanted to go to boarding school to get a change from their home environment due to the maturation process. The boarding school administrator from Albuquerque Area responded that perhaps 20 per cent of his students were in this category. The other Areas indicated a negligible number. However, it should be noted that a large percentage of students responded that they were in boarding school because of their own choice. If this statement is accepted, then one must assume that the student is wanting a change in his home environment.

3g REPORTS ON INNOVATIVE PROGRAMS FOR ACADEMICALLY GIFTED

Boarding school administrators were questioned concerning the innovative programs for the academically gifted child offered by his institution. The boarding schools polled in Southeast, Billings, Anadarko, and Muskogee indicated there were no such programs for the academically gifted child. Phoenix Area offers training for the student skilled in art and Navajo Area offers accelerated classes. Aberdeen, Albuquerque and Juneau have some programs for the academically gifted child, however these were not explained. It is the opinion

of the reviewing agency that there should be emphasis placed on providing special programs on an individual basis for these gifted children.

In more thoroughly studying the need for a specialized institution, several other areas were discussed with the boarding school administrators. The response to the number of social promotions given the students was that the number was negligible. It is felt that this was not an accurate evaluation. There was a similar response to the question of the number of students who were given the choice of boarding school or a reformatory-type institution. Again, the response was negative. However, as noted in section 2a, some ten to 50 per cent of the children enrolled in the boarding schools studied were referred after coming into contact with the law. Also percentages varied from 75 to 80 per cent to 3 and 4 per cent as the number of students considered to be problem children (those who have come in contact with the law).

A very small percentage were identified as being returned to their homes because of disciplinary reasons. Albuquerque, Juneau,Muskogee, and Phoenix Area boarding schools showed 16 per cent, ten per cent, seven per cent, and six per cent, respectively. Only boarding school administrators from Muskogee Area and Juneau Area indicated that there was a problem with the student coming in conflict with the law during his stay in boarding school. These experiences with the law caused very few to be sent home. If a child is sent home because of his behavior, he is always allowed to return the next school year.

There were expressed needs for more guidance and counselor positions in all the Areas. The need for more professional Indian people was reiterated. There is a definite need for more instructional aides. It was noted that the reservation children need a thorough orientation to life at an off-reservation boarding school. There was a comment that the boarding school should not be used as a dumping ground for problem children.

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EVALUATION OF INDIAN CHILDREN WHO HAVE SPECIAL NEEDS AND ARE GENERALLY CARED FOR IN SPECIALIZED INSTITUTIONS

A Review, Evaluation, and Recommendations meeting was held following the survey. In the analysis of Section 3, Consideration of Indian children who have special needs and are generally cared for in specialized institutions, the discussion of the NAIWA members who participated in the survey centered around definite needs. There were many points on which the participating members differed on the answers given by the boarding school administrators.

The participants felt that there were many more children in boarding schools who had presented problems at home than were indicated in the survey. The same opinion was given as to the number of children who were in the boarding schools because of excessive trouble in their local schools. The participants based their opinions on their personal knowledge of boarding school students and their families and on visits to different boarding schools.

They felt that many more social promotions were given than was indicated in the survey. This point was also emphasized by the interviews from Haskell Junior College as to the preparedness of the boarding school student.

The number of students who come into contact with the law while in boarding school was extremely low, according to the participants' knowledge. Also, the number of students who had been in conflict with the law before they came to boarding school was not accurate. It was a very small percentage.

Whereas there doesn't appear to be many children who cannot function at a normal capacity in boarding school, the present need appears to be for the problem child. This is the child who comes from a disrupted family situation, the child who has many other problems to consume his attention. He cannot place his full attention toward scholastic achievement. If we are to honestly attempt to help this child to function more effectively in society, we must help him learn to cope. This requires individual attention on a daily basis. The participants in the Review, Evaluation, and Recommendations meeting requested such an institution, or converted boarding school, with specialized staff in each area.

Another concern of the participants was the need for group homes on the reservations for teenagers. Since it has been shown that foster parents generally prefer the pre-adolescent child, there is a need for out-of-the-home placements for the adolescent. It was the concensus of the participants that group homes, staffed by Indian houseparents, could meet this need. It was felt that every reservation needs at least one such home.

Since there are no programs in the boarding schools for the academically gifted child, discussion was held on this point. It was stated that the bright child is very likely to cause disturbances in the classrooms, because he is under-stimulated. It is very difficult for the teacher to plan for the average student and also to plan for the exceptionally talented child. A lower teacher-student ratio would alleviate this problem. One suggestions was that the exceptional student be placed in a foster home in an urban area where the child might get a wider variety of classes and college preparatory courses. This type placement would be carried out only after close planning with the child, his parents, the school system, and the foster parents.

RECOMMENDATIONS FOR INDIAN CHILDREN WHO HAVE SPECIAL NEEDS AND ARE GENERALLY CARED FOR IN SPECIALIZED INSTITUTIONS

After study of the survey results and consultation with the NAIWA participants, the following recommendations are submitted pertaining to the consideration of Indian children who have special needs and are generally cared for in specialized institutions:

1. In order to alleviate the environment deprivation of the boarding school child, the home living staff should be increased.

2. There should be an increase in funds for outside activities and for individual allowances.

3. The possibility of placing the exceptional students in boarding homes in urban areas should be considered.

4. Group homes to be established on reservations to serve the teenager. These homes would have Indian staff and could serve emergency placements.

5. Specialized boarding schools be established in each area to serve the child who must attend boarding school because of social problems. Such a boarding school would have a small teacher-student ratio and a small number of children in each home living unit. It would provide psychological counseling and psychiatric consultation. It would be geared toward preparing the child to re-enter boarding school or return to his home environment.

RECOMMENDATIONS OF THE DIRECTOR AND ADMINISTRATOR OF

NAIWA PROJECT #0761

Recommendations for the betterment of Indian children, and their families, who have special needs are as follows:

One major problem of the Bureau of Indian Affairs Area Offices, the Indian Agencies or State Welfare Departments, as they relate to special needs of Indian children, is the lack of a long range goal or plan to assist the child and his or her family to work toward a more stable life.

A. My recommendation is that a long range goal, or plan, be established to work toward a more stable emotional and social life for Indian children, and their families, who have special needs.

One observation, that was very evident, is a need for the BIA Area Office personnel of the Social Service Department and the Education Department to work closely with each other and the Agency for the betterment of the Indian child and his or her family.

B. It is my recommendation that the BIA Area Office and the Agency of each Area Office Jurisdiction of the BIA work in concert for the betterment of the "total Indian child" or persons for whom they render service.

The Bureau of Indian Affairs provides foster home care for Indian children on reservations in eleven states, as follows:

1. Alaska
2. Arizona
3. Iowa
4. Minnesota
5. Mississippi
6. Montana
7. Nevada
8. New Mexico
9. North Carolina
10. North Dakota
11. Wyoming

In other states foster home care is provided by State Welfare Departments to Indian children needing such care.

C. We recommend that all effort by the State Welfare Departments and the BIA be coordinated to work for the betterment of the Indian child with special needs. This should eleminate duplication of time, effort, money, and personnel.

A lack of cooperation and coordination between the BIA and State Welfare Organizations was recognized during the interviews with these operations.

D. In order to have a clear understanding as to what is being done to and for Indian children with special needs, it would be my recommendation that a duly constituted committee (to meet at least quarterly) be establisned by state to coordinate their efforts. This committee should be comprised of employees who deal with special needs of children from:

1. The Social Services and Education Depts. of the Area Offices of BIA.

2. BIA employees in the Education and Social Services at the Indian Agency level.

3. Concerned adult Indian persons from each Indian Agency within any given state.

4. The State Welfare Dept. of any given state.

The Bureau of Indian Affairs also has a General Assistance Program that comes under its Social Services Department.

E. It is my recommendation that this program should be further developed and sufficiently funded to aid Indians with special needs. Since the home should be strengthened, the General Assistance Program can give aid to the entire family and keep it intact, and thereby give aid to the child's emotional growth.

I further suggest that the BIA Social Service Department formulate and put into action a program to recruit Indian Foster parents.

RECOMMENDATIONS FOR BIA OPERATED SCHOOLS AND DORMITORIES

Since most Indian children attending BIA operated schools and dormitories have special needs, the recommendations for the boarding school system are as follows:

A. That persons who are employed in the field of Social Services be employed in the school system, especially in the dormitories where a family setting should be emulated to the fullest degree possible, and the Social Service personnel be employed as a liaison person to work with the student, law, boarding school personnel and parents.

B. That the staff in Education and Social Service be evaluated as to their concern and ability to work with Indian children who have special needs.

C. That discipline be used in all phases of each BIA School System in order to create an atmosphere conducive to a healthy emotional and academic day to day living for Indian children attending these schools, and to provide an atmosphere that will enhance the

the employees ability to work with the Indian students who attend BIA operated schools.

D. That members of the BIA School Boards of the various Area Offices throughout the United States be given the same authority that is granted to public school boards and that the BIA school boards become involved only in matters pertaining to the BIA School System.

E. That an academic program, uniform in quality, be established in each BIA School and Dormitory system throughout the United States.

F. That the curriculum now in use for BIA Schools be studied and evaluated and be brought up to date for use in today's school system. This recommendation will keep the Indian student current and lend to his or her emotional stability and security.

G. That the food situation at the Indian Boarding Schools be studied and evaluated and that the student be given a diet that will sustain and aid the proper growth of an adolescent.

H. That the parent or guardian be notified as soon as a student is reported missing from the school ground or dormitory.

I. That the audio-visual aids program be expanded and that audio-visual aids program be placed in schools where the program does not exist.

J. Establish a training program for Instructional Aides before allowing them to work with students.

K. That workshops be established (on a yearly basis) to acquaint Social Service workers of the law and how to refer to proper qualified contacts in helping students who are in trouble with the law.

L. Recommend a campus security force to maintain law and order on campus and around BIA operated schools and dormitories. This will free the instructional and night attendants to perform his or her job for which they have been hired.

M. That the BIA, Indian Health Service--and Dept. of HEW should work in concert to establish and operate institutions for the care and treatment of alcoholics and drug addicts.

N. That textbooks, to the extent needed, be provided in each BIA operated school system.

O. That a course be given to teach student how to make use of the library (index system, etc).

P. That a greater emphasis be placed on adult education and Indian people be advised of services and programs available to them.

INDIAN LADIES WHO WORKED ON NAIWA SURVEY

REPRESENTATIVES	BIA AREA	INTERVIEWERS
Iyonne Garreau	Aberdeen	Naomi Renville Hildreth Venegas
Agnes Dill	Albuquerque	Virginia Lewis Lillie Frost Howell
Lorenia Butler	Anadarko	Julia Mahseet Chris Echohawk
Madeline S. Colliflower	Billings	Janice Hawley Ursula Higgins
Mary Jane Fate	Juneau	Daphne Gustafson Gertrude Wolfe
Beatrice LaBine	Minneapolis	Bonnie Meshigaud Adeline Wanatee
Dorothy Snake	Muskogee	Ruby Haynie Annie Meigs
Louva Dahozy Florence Paisano	Navajo	Effie Curtis Mary Ina Ray Adele Lope Alice Becenti
Juana Lyon	Phoenix	Susanna Denet Lucille Throssell
Ernestine Jim	Portland	Verna Bunn Ardith Caldwell
Laura Blankenship	Southeast	Roberta Gibson Rebecca Grant

PARTICIPANTS

OF

REVIEW, EVALUATION AND RECOMMENDATIONS MEETING

OCTOBER 22-25, 1973

HELD AT. LINCOLN PLAZA INN, 4445 NORTH LINCOLN BLVD., OKLA. CITY

Lyonel Garreau	Susanna Denet
Julie M Duchenaux	Naomi Perville
Ursula H. Higgins	Dorothy Snake
Julia Mahseet	Adele Lopez
Roberta S. Gibson	Deloris W. Karty
Maddine S Colliflower	Mildred I. Clegham
Saphre Thistafson	Judy A. Baggett
Chris Echo Hawk	Mildred M. Ferguson
Ruth Littlejohn	Marie Cox
Mary Jane Fate	
Ruby Haynie	
Beatrice La Bine	
Agnes M. Dill	
Louna Dakozy	
Sophie Atencio	
Hildreth Venegas	

PERSONS INTERVIEWED

The following persons were interviewed in connection with the NAIWA National survey on Special Needs of Indian Children program. This list is prepared by BIA Area jurisdiction. The type of questionnaire answered by each individual is reflected by the notation to the right of each person's name.

ABERDEEN AREA

NAME	LOCATION	TITLE
Charles Eagle	Peever, So. Dakota	Former Foster Care
Mrs. Betty Ward	Peever, So. Dakota	Foster Parent
Mrs. Nancy Kitto	Peever, So. Dakota	Former Indian Boarding School Student
Duane Bruce Renville	Sisseton, So. Dakota	Former Indian Boarding School Student
Elissa Crawford	Wahpeton Ind. School Wahpeton, So. Dakota	Boarding School Student
Cecil Renville,Jr.	Sisseton, So. Dakota	
Crystal White	Wahpeton, So. Dakota	Student
Roy Griffith	Aberdeen, So. Dakota	Agency Social Wrkr.
Roger O Lonnevik	Aberdeen, So. Dakota	Area Social Worker
James R. Vance	Pierre, So. Dakota	Educ. Program Administrator
Dave Kroll	Aberdeen, So. Dakota	Area Educ. Spec.
Gary L. Bowar	Aberdeen, So. Dakota	Program Specialist State Public Welfare
Robert E. Leach	Pierre, So. Dakota	Social Worker
Jess Town	Aberdeen, So. Dakota	Community Services Administrator

ALBUQUERQUE AREA

Mrs. Ellen Richardson	Santa Fe, New Mexico	Protective Service Specialist
Mr. Zene Hemphill	Albuquerque, New Mexico	Area Social Wrkr
Mr. Earl Webb	Albuquerque, New Mexico	Area Educ.Spec.
Mr. Keith O. Lamb	Albuquerque Indian Sch.	Administrator
Mr. Robert E. Lewis	Zuni Pueblo	Governor
Instructional Aide	Ramah Dorm	
Mr. Stuart Lewis	Santa Fe, New Mexico	Student
Mary C. Bryan	Southern Pueblos Agency	Agency Social Worker
Barbara Ann Shorty	Ignacio Dorm	Student
Amalda Peno	Ignacio Boarding School	Instructional Aide
Jeanette Daker	Ignacio	Instructional Aide

ALBUQUERQUE - Continued:

NAME	LOCATION	TITLE
Mauka Eovensen	Ignacio, Colorado	Tribal Council
Nedra Washington	Ignacio, Colorado	Parent
Essie Kent and Bonnie Kent	Ignacio, Colorado	Foster Parents
Raymond Frost, Sr.	Ignacio, Colorado	Parent of Foster Child
Clara Washington	Ignacio, Colorado	Received Foster Care
Cynthia H. Moore	Los Lunas Hospital & Training School	

ANADARKO AREA

Mr. John McCann	Anadarko Area	Asst. Area Social Worker
Mr. Dan Sahmaunt	Anadarko Area	Area Education Specialist
Mrs. Kate Gault	Oklahoma City	State Welfare Department
Mr. George Reifel,Jr.	Horton, Kansas	Acting Agency Educ. Specialist
Mr. Vernon Blome	Anadarko Agency	Social Worker
Mr. John Thompson	Anadarko Agency	Adult Education
Mr. David Paddlety	Anadarko Agency	Employ. Assistance
Mrs. Catherine Lamar	Anadarko Area	Area Social Wrkr
Mr. Sid Carney	Anadarko Area	Area Director
Mr. Charles Delaney	Anadarko Area	Acting Deputy Area Director
Mr. Wm. Grissom	Anadarko Agency	Superintendent
Mr. Wm. B. Scott	Horton, Kansas	Social Worker
Mr. Bill Preston	Topeka, Kansas	State Child Welfare Worker
Wanda Kostzuta	Apache, Oklahoma	Parent, Boarding School
Ethelene Thompson	Fort Sill School	Instruc. Aide
Jackie S. Kostzuta	Apache, Oklahoma	Former Student
Mrs. Myrtle Cook	Cyril, Oklahoma	Foster Parent
Keith Haumpo	Anadarko, Oklahoma	Former Foster Child
Donna Two Hatchet	Anadarko, Oklahoma	Parent of Former Foster Care Child
Lee Motah	Anadarko, Oklahoma	Comanche Tribal Chairman
Walter Lorentz	Fort Sill School	Student
Bates Shaw	Fairfax, Oklahoma	Foster Parent
Thomas Chapman	Pawnee, Oklahoma	Councilman
Don Eaglenest	Concho, Oklahoma	Instructional Aide
Jim Todome	Concho, Oklahoma	Student

ANADARKO - Continued:

NAME	LOCATION	TITLE
Mr. Jack Williams	Fort Sill Ind. School	Superintendent
Mr. Bob Randolph	Fort Sill Ind. School	Principal
Jesse Howell Jr.	Pawnee, Oklahoma	Parent Boarding School Child
Neva Moore	Pawnee, Oklahoma	Parent Foster Child
Mary Ella Brown	Pawnee, Oklahoma	Former Foster Child
Bill Farris	Pawnee, Oklahoma	Former Boarding School Student
Guy R. Fox, Jr.	Pawnee, Oklahoma	Agency Soc. Wrkr.
Owen Chuculate	Concho, Oklahoma	Agency Soc. Wrkr.
Sam Morris, Jr.	Lawrence, Kansas	Student, Haskell Ind. Jr. College
Helen Beard	Lawrence, Kansas	Student, Haskell Ind. Jr. College
Cordell Balatche	Lawrence, Kansas	Student, Haskell Ind. Jr. College
Mr. Wallace Galluzzi	Haskell Indian Junior College	Superintendent
Mr. Bill Burgess	Haskell Indian Junior College	Dean of Instruction
Mr. Frank Quiring	Haskell Indian Junior College	Dean of Students
Mrs. Ethan Deere	Haskell Indian Junior College	College Residence Specialist
Mrs. Bette Notah	Haskell Indian Junior College	Supervisory College Residence Specialist

BILLINGS AREA

James Baher	Browning, Montana	Tribal Council
Clarence Hirst	Heart Butte, Montana	Parent, Boarding School Student
Gerri Reevis	Browning, Montana	Former Foster Child
Carmelita Hoyt	Blackfeet Bdg. School	Instructional Aide
Patricia Tohes Gun	Starr School	Foster Parent
Debbie Upham	Bushy, Montana	Student

BILLINGS - CONTINUED:

NAME	LOCATION	TITLE
Caroline Brown	Harlem, Montana	Former Student
Feral B. Wagner	Browning, Montana	Former Student
John Burkhart	Billings, Montana	Area Social Wrkr.
Mr. Carl Vance	Billings, Montana	Area Educ. Spec.
Mr. V. Belgarde	Billings, Montana	Area Educ. Spec.
Mr. Joseph Roe	Billings, Montana	Montana State Foster Care Program
Morris Thomte	Billings, Montana	Asst. Area Soc.Wrkr.
Mr. Arthur J. Hall	Inter-Mountain Deaconess Home for Chn.	Asst. Administrator
Danny Long Tree	Log Pole, Montana	Former Foster Child
Delores Luna	Hays, Montana	Parent of Foster Child
Erma Bear	Harlem, Montana	Foster Parent
Ruth Reevis	Browning, Montana	Parent of Foster Child
Ruby Jones	Browning Bdg. School	Instructional Aide
Amy Messerly	Dodson, Montana	Former Boarding School Student
Kathy Rae Tincher	Flandreau	Student

JUNEAU AREA

Mr. Emil Kowalczyk	Juneau, Alaska	Asst. Area Director
Perry Smith	Juneau, Alaska	Area Social Wrkr.
Myra Mouson	Fairbanks, Alaska	Administrator
Mr. James Griffin	Mt. Edgecombe, Alaska	Student Personnel Service
Allen O. Crain	Mt. Edgecombe, Alaska	Superintendent
Bernice C. Peery	Mt. Edgecombe, Alaska	Former Student
Christine H. Jack	Hoonah	Former Student
De Wiley Holeman	Nome Public School	Administrator
Lily Walker	Nome Betz High School	Instructional Aide
Cindy Sookiayak	Nome, Alaska	Former Foster Child
Ramon & Iva Gandia	Nome, Alaska	Foster Parents
Jerome Trigg	Eskimo	Councilman
Dan Johnson	Bethel Bdg. Home	Dorm. Director
Susan Murphy	Middle & Primary School	Chr. School Board
Richard Gilbert	Alaska Children Service	Executive Director
Gaye Billington	Div. of Regional Schools & Boarding Home Program	Administrator
Richard Schneider	Bethel Agency	Social Worker
James Fox	Nome, Alaska	Suprv. Social Wrkr.
Art Holmberg	Div. of Family and Children Services Juneau, Alaska	State Administrator-Juneau, Alaska State Admin.
Dory Wassilie	Mt. Edgecomb, Bethel	Former Student
Elsie Mate	Bethel Reg. Dorm	Student
John Bergamaschi	Bethel, Alaska	Former Student
Margaret Chase	Bethel, Alaska	Former Student

JUNEAU - CONTINUED:

NAME	LOCATION	TITLE
Lela Gray	Nome Beltz	Dorm Aide
Jonah Tokemua	Wales	Parent of Boarding School Student
Delbert Eningowuk	Sheshmasef	Parent of Boarding School Student
Vesta Dominicks	Sitka	Former Boarding School Student
Bill Benton	Bethel	
Francis Milner	Juneau	Dir. Family & Childrens Service
Kay Hansan	Nome	Former House Parent
Mr. McFarland	Wrangell Inst.	Indian Board. Sch.
Gerald Dusterhout	BIA Social Services	Area Social Worker
Margaret Theresa Osborne	Juneau	Foster Parent
Jean McCan	Fairbanks	Social Worker
Lillian Walker	Wrangell	Superintendent
Fern Chamberlin	Wrangell	Instructional Aide
Harvey Dunaulte	Wrangell	Board. Schl Student
Christine H. Jack Area Educ. Specialist	Wrangell	Former B.S. Student

MINNEAPOLIS AREA

Ms. Bernice D. Sanache	Tama, Iowa	Foster Parent
Charles Pushetoneque	Tama, Iowa	Tribal Council
Iola Snow	Tama, Iowa	Parent of a Foster Child
Mrs. Lois Davenport	Tama, Iowa	Former Boarding School Student
Darrell Wannatee	Tama, Iowa	Former Foster Child
Kay Doris Davenport	Riverside	Student
Dwain Lindberg	Minneapolis	Dir. of Service Administration
Mr. Harold Smith	Minneapolis	Area Social Wrkr.
Mr. Dick Wolfe	Minneapolis	Asst. Area Educ. Spec.

MUSKOGEE AREA

James Mearec & Kathleen Kobel	Muskogee, Oklahoma	Area Social Wrkrs.
Robert Berryhill	Muskogee, Oklahoma	Area Educ. Spec.
Ed Moore	Sequoyah	Superintendent
Mr. Norris Thompson	Sequoyah	Education Spec.
Mr. & Mrs. H. Flemming	Muskogee, Oklahoma	Parents of Boarding School Students
Norma Whittington	Muskogee, Oklahoma	Former Foster Child
Mrs. M. J. Ryher	Ft. Gibson	Foster Parent

MUSKOGEE AREA - CONTINUED:

NAME	LOCATION	TITLE
Letha Foster	Sequoyah	Instructional Aide
W.W.Keeler	Muskogee	Cherokee Tribal Council
Durbin Feeling	Locust Grove	Former Boarding School Student
Joey Bass	Sequoyah	Student
Ed Hugh Johnson	Tulsa, Oklahoma	Tribal Council
Mrs. Homer Wheeler	McAlester, Oklahoma	Foster Parent
Eunice Tarin	Stillwell, Oklahoma	Former Foster Parent
DeAnn Hand	Tulsa, Oklahoma	Former Foster Child
Mary J. Tiger	Muskogee, Oklahoma	Instructional Aide
Cecelia Chalokee	Tulsa, Oklahoma	Parent of Boarding School Student
Dawn Freeman and Andra Freeman	Eufaula, Oklahoma	Boarding School Student
Leda V. Bruner	Broken Arrow, Oklahoma	Former Boarding School Student
Donald Moon	Talihina, Oklahoma	Agency Supt.
Everett Cox	Tahlihina, Oklahoma	Suprvy. Soc. Wrkr.
Bill Timmons	Talihina, Oklahoma	Social Worker
Carl Hunkapillar	Talihina, Oklahoma	Empl. Asst.Officer
Dan McDole	Ardmore, Oklahoma	Superintendent
Bob Guthary	Ardmore, Oklahoma	Suprvy. Soc.Wrkr.
Lee Cowherd	Ardmore, Oklahoma	Social Worker
Jim Michelini	Ardmore, Oklahoma	Empl. Asst.Officer
Ron Koffman	Baptist Chn's Home	Administrator
Phyllis Lynam	Baptist Chn's Home	Administrator
Herschel Sparks	Carter Seminary	School Soc. Wrkr.

NAVAJO AREA

Mr. Byron Housekneckt	Window Rock, Ariz.	Area Social Wrker
Mrs. Louise Bonnell	Window Rock, Ariz.	Area Educ. Specialist
Joan M. Cautin	Chinle, Ariz.	Foster Parent
Guy Gorman	Chinle, Ariz.	Councilman
Alex Kee Carty	Chinle, Ariz.	Parent of Std.
Lillie Mae Woody	Chinle, Ariz.	Former Student
Jim & Polly Nez	Chinle, Ariz.	Parents of Foster Child
Richard and Barbara Wolneyneck	Farmington, N.M.	Foster Parents
Williamina	Farmington, N.M.	Former Foster Child
Darlene Benally	Farmington, N.M.	Parent of Student
Mrs. EllaL. Ross	Shiprock Bdg. School	Instructional Aide
Kathleen Johnson	Intermountain School	Student
Rosie Wilkerson	Shiprock Bdg. School	Former Student
Ames Ray Ben	Church Rock	Former Student
Sarah Kinsel	Chinle, Ariz.	Parent of Foster Child
L. D. Atchison	Manuelita Navajo Children's Home	Superintendent

NAVAJO AREA - continued:

NAME	LOCATION	TITLE
Hogan Hozani		Foster Care
Personnel	Ft. Defiance	Tohatchi Boarding School
Personnel	Ft. Defiance Agency	
Personnel	Toyci Boarding School Ft. Defiance, Ariz.	
Berneice Ranger Radio	Navajo Agency	
Francis Redhouse		Child Welfare
Donna M. Williams	Chinle, Ariz.	Former Foster Child
Roger Begay	Many Farms Hi School Utah	Student
Ada Johnson	Crownpoint	Foster Parent
Annie Mae Benally	Church Rock, N.M.	Former Foster Child
Mr. & Mrs. Mike Benally	Church Rock,N.M.	Parent of Foster Child
Arlene Toleno	Crownpoint	Instructional Aide
Darlene Etsitty	Eastern Navajo Agency	Student
Mr. & Mrs. Tommy Etcitty	Hardground, N.M.	
Tony A. Becenti	Crownpoint, N.M.	Councilman

PHOENIX AREA

David Burch for Ray Sorenson	Phoenix	Area Educ. Specialist
Mrs. Gloria Hauley	Carson, Nevada	State Nevada Welfare
Mr. Joe Braswell	Carson, Nevada	Area Social Worker
Antone M. Chico, Jr.	Sells, Arizona	Foster Parent
Darlene Enos	Sells, Arizona	Foster Child (Former)
Nyla Antone	Santa Rosa Bldg. School	Instructional Aide
Karen Miguel	Sells, Arizona	Former Student

PHOENIX - Continued:

NAME	LOCATION	TITLE
Mr. Robert Kreidler (Rep. Wm. Newton)	Phoenix, Ariz.	Area Social Worker
Vincent Little	Phoenix Ind. School	Superintendent
Mrs. Dorothy Filson	Phoenix, Ariz.	State Welfare Wrkr.
Mardeal Silva	Polacci	Parent of Foster Child
Mr. & Mrs. Fred Adams	Polacci	Foster Parent
Carol Yestewa	Oraibi	Former Foster Child
Logan Kooper	Hopi	Councilman
Grisilda Saufkie	2nd Mesa	Parents of student
Pansy Kewanwytewa	Keams Canyon	Student
Georgianna J. Holmes	Polacci	Former Student
Claudio Villalabos	BIA	Phoenix Area

PORTLAND AREA

Mrs. Dennis Hicks	Blackfoot, Idaho	Foster Parent
Arthur Hoybill	Fort Hall	Tribal Council - Shoshone Bannock
Eillean Hootchew	Blackfeet	Former Foster Child
Robert Burns	Fort Hall	Parent of Foster Child
Evelyn Dixey Surdom	Blackfeet	Parent of Boarding School Student
Magdalena Williams	Stewart Bdg. School	Instructional Aide
Emily Pyeatt	Salmon - Sherman	Former Boarding School Student
Belma Redwoman	Chilocco	Student
Mrs. Mirian Strong	Neah Bay, Wash.	Foster Parent
Robert Parker	Neah Bay, Wash.	Former Foster Child
Mrs. Laura Coleman	Neah Bay, Wash.	Foster Parent
Lloyd Colfax	Neah Bay, Wash.	Makah Tribal Council
Verna R. Bunn	Neah Bay, Wash.	Parent of Boarding School Student
Linda Trettevick	Neah Bay, Wash.	Former Boarding School Student
Gerald Cargo	Chemawa Ind. School	Student

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PORTLAND - Continued

NAME	LOCATION	TITLE
Don Casper	Portland	Area Social Worker
Dr. Roy J. Stern	Portland	Area Education Specialist
Mr. Balsiger	Portland	Area Community Serv. Admin.
Roy Stern	Portland	Area Educ. Specialist
Laverna Smith	Chemawa Ind. School	Ind. School Instruc. Aide
Jack Witherspoon	Chemawa Ind. School	Superintendent

SOUTHEAST

Mrs. Clare Jerdone	Washington, D. C.	Area Social Worker
Elwanda Brinkley	Washington, D. C.	Area Education Specialist
Max Cole	Mississippi	State Welfare Social Worker
Mr. Wayne Adkison	Philadelphia, Miss.	Educ. Program Adm.
Harold Keyes	Philadelphia, Miss.	Agency Social Wrkr.
John Pettit	Philadelphia, Miss.	Educ. Specialist Agency
Bob & Stella Kanott	Cherokee	Foster Parents
Mr. Ray Cleveland	Cherokee	Superintendent
George H. Pierce	Cherokee	Education Specialist
Miss Glasby	Raleigh, N.C.	State Welfare
Mrs. Evenelle Thompson	Cherokee	Agency Social Wrkr.
Rose Aileen Catalster	Cherokee	Former Student
Mr. Lewis Raines	Cherokee	Former Foster Child
Mr. and Mrs. Menock Catalster	Cherokee	Parents of Child in Foster Home
Mrs. Bertha Saunooke	Cherokee	Councilman
Jimmy Gibson	Choctaw Central	Principal
James Ray Jim	Choctaw Central	Student
Glenn York	Choctaw Central	Instructional Aide
Albert Farue	Philadelphia	Tribal Council
Mrs. Viola Johnson	Philadelphia	Foster Parent
Mrs. Aileen Willis	Philadelphia	Parent of Foster Child
Mary Jane Steve	Philadelphia	Former Foster Child
Jerry Thompson	Philadelphia	Former Boarding School Student
Lillie Gibson	Conchatta, Miss.	Parent of Boarding School Child
Mr. Enoche	Choctaw Central	Teacher, Suprv.

Senator BARTLETT. Next, we have Mr. William Blackwell and Mr. Thomas Peacock.

Would you introduce yourselves and proceed as you desire?

STATEMENT OF WILLIAM BLACKWELL AND THOMAS PEACOCK, DULUTH, MINN.

Mr. BLACKWELL. My name is Billy Blackwell. I'm 23 years old, from the Grand Marais, Minn., and a member of the Grand Portage Ojibwa Band, and also with me is Mr. Thomas Peacock, who is a fellow Ojibwa and who is the president of the Fond du Lac Indian Reservation.

For hundreds of years the Ojibwas journeyed to Washington. The rivers, hills, and halls of our Nation's Capitol have heard the sound of many American tribes. In keeping with that tradition, I would like to state briefly, in my language, the reason why I'm here.

The only reason that I would like to do that today, when I told some of our old people that I was coming here, this is one of the things that they asked me to do, in our language, that we tell our problem first that we're here for.

I'd like to start by saying that a long time ago there was a person who became president of one of the eastern colleges, either Yale or Harvard, and he told an Indian chief, give me 10 of your men and I will make them lawyers, scholars, and scientists.

And the Indian chief looked at him and said, give me 10 of your lawyers, scholars, and scientists and I'll make men out of them.

I can't help but think how things have gotten away from that.

We are from a program called the Indian youth program with headquarters in the city of Duluth, Minn., which serves that city and the four surrounding reservations.

The program is funded by the Office of Health, Education, and Welfare with a grant to the Duluth Indian Action Council, and this summer will begin its third year of operation.

The program is designed to alleviate the atrociously disproportionate number of Native American youth in juvenile institutions. The Indian youth program has made it a priority to exhaust all means to stop the mass theft of Indian children, from their tribe and homes.

Within the State of Minnesota, over $1,040,000 BIA funds alone per year is funneled into the State to pay for this child robbery. Thirty-four percent of all Indian children are currently in foster home placements. Indian foster placements to white homes is big business in Minnesota. Countless young Indian children are placed in white families where many sweat and toil for 50 cents a week allowance. Discriminatory child placement practices must be stopped. One out of every three Indian children under 1 year old is adopted. We, the Ojibwa people, are a proud people; we will not permit our children being stolen from us and placed in white homes where our tribal culture and values are completely disregarded.

The following testimony and recommendations, we hope, will not—fall on closed minds, but will sincerely be listened to.

In Minnesota there is a large number of moneys that is being used for Indian foster placement in white homes. Our program seriously questions the source of this money. We would like to ask for its investi-

gation and audit of that, over $1 million. We're not so sure that that comes from the Bureau of Indian Affairs Social Services allotment. We ask that an audit be taken of this. There are people that have checked into this and have claimed that this money was the result of the Pipestone Boarding School being closed, that it is Johnson O'Malley moneys, which is being used then for board and room, is an illegal act, and we would like to ask this Senate subcommittee for an investigation and audit be taken to the source of this money, and that's the contract that Mr. Chosa from the Wisconsin group referred to earlier, from the Bureau of Indian Affairs was $260,000 is paid quarterly for placements.

Now, this money does not account for some of the HEW moneys and some of the reimbursements for the institutions. So, in Minnesota, well over a million dollars per year is spent for the theft of our Indian children.

Our Indian youth program has workers on four reservations in northern Minnesota, the Grand Portage, Nett Lake, Mille Lacs, Fond Du Lac Reservations, also the city of Duluth.

We have 12 employees in our program. We run our own school. Bisedon, which in our language means listener.

I have with me today a short interview with the licensed Indian family. A few years ago, as many as 8 or 10 years ago, this was the only licensed Indian family. Due to the communication of the Duluth Indian Action Council and the Indian youth program, we now have 18 licensed homes with very little help from the welfare, very little if in fact none, from agencies.

This is a very short interview with a Indian couple who have a licensed Indian home, and I'm not going to go through it and read it. It's available for those, in our testimony.

In the interview, they go through and talk about the practices they've had. They've had 15 Indian foster children, as Indian parents they understood them. They practiced their culture and the values of the home. They encouraged contact with families of the children. They had a good communication with the children and the children did not have any bad feelings out of it. They were not mad at the world. They did not get into trouble. These people had many problems with welfare. Indian people's standards and way of life do meet the standards of welfare departments.

The welfare department, of course, and courts and private welfare agencies are all complicated structures which the Indian would rather not come in contact with.

Many Indian people rather take care of their own. These are some of the things that these people are saying, that they have been able to, first-hand experience.

In the State of Minnesota a foster care program is designed to insure the best possible home situation for children, but the program lacks many elements. First, is the ability of the local welfare agencies to effectively deal with minority children. The lack of communication between social workers working with the Indian natural parents and the Indian foster parents. The inability of the welfare system to understand and effectively work with the local Indian community has been well documented.

In the area of foster care, 31.3 percent of the Indian children under 20 are in some type of foster care situation. Second is the lack of Indian foster homes for Indian children.

In counties surveyed by the department of health and social services with large Indian populations, there is serious lack of licensed Indian foster homes. The reasons for this are numerous, but two things stand out. The first is the amount of substitute care that exists within the Indian community. This is a natural outgrowth of the culture of the American Indian. Indian tribes have always looked after the children of the tribe. There was never any need to use outside resources for tribal members.

The other important reason is the license requirement. Most families do not understand the necessity for a license; their membership in their tribes is sufficient for them to provide an adequate home for other younger tribe members.

Third is the bureaucracy that surrounds the entire foster care program. The welfare department, the courts, and private welfare agencies, are all complicated structures with which the Indian would rather not come to grips.

The bureaucracy of the department of welfare in Minnesota has been atrocious, resulting in the statistics we mentioned earlier. One out of every three Indian children being adopted, 34 percent, more than one-third of all Indian children in Minnesota in foster homes, and over $1 million per year being paid for this.

One of our workers in Duluth, Mr. Ed Howes jotted some things down that I would like to give you now, something that I, myself, had to go back and check three times because I could not believe it.

Of all the Indian youth that he had been in contact with in the criminal justice system, 80.5 percent of these kids have been or are involved with foster homes or group homes.

So that means that out of 100-percent figure, 80 percent of those that we've come in contact with in the juvenile court system, have been or are presently in foster homes or group homes.

Of these youths, the large majority of them have been forced or very subtly pushed into forgetting their people and their culture. The cultural shock of being removed from their families has a devastating effect on these young Indian people. The forcing of alien values, belief, and culture has produced another group of very confused and unfortunately, partially assimilated or totally assimilated young Indians.

The practice of removing young Indians from their families has become a big business for white families and a copout for the welfare system. The saving of Indian youth from their own people has become the answer to the so-called Indian problem. Welfare sits by and gives white foster parents the job of raising Indian children as good Christian Americans with a sense of value and worth, instead of allowing that child to remain in his home and retain a culture of beauty, rationale and spiritualness.

The cycle never ends for Indian youth because the child cannot relate to his white foster parents and their values. He or she builds up a resentment that can take many manifestations. Unfortunately, most Indian youth take the route of breaking the law and thus becoming involved with the juvenile justice system. This involvement only gives the courts and welfare the excuse to continue foster care. The

sale of Indian flesh by welfare to white foster parents is a poor excuse for a solution to the Indian problem.

The Indian parents have never been consulted about their children and whether they can or should be removed from the home. Home may only be a two- or three-room house, but it's a place of love.

This testimony was taken from our worker in Duluth, Ed Howes and once again, I feel the major part of that, an almost unbelieveable 80.5 percent of the children he has encountered in courts have been, or are presently in foster homes.

I have one last small testimony. Mr. Peacock, who is director of the Indian youth program, will give some other things and then our recommendations.

This is from the testimony by Vincent Martineau, 23 years old, of the Fond Du Lac Indian Reservation.

Mr. Martineau spent a great portion of his childhood off the reservation and placed in white foster homes.

I asked him the following questions:

Question. At what year were you taken from your family?

Answer. September 1963, 13 years old.

Question. Why were you taken?

Answer. My father died. They thought my mother couldn't take care of us.

Question. Were you taken off the reservation?

Answer. Yes. Twenty miles away. I was placed in jail 17 days while they attempted to find me a foster home.

Question. Were you taken to a non-Indian family?

Answer. Yes.

Question. How many non-Indian families have you and your brothers and sisters been shipped off to?

Answer. Fourteen families.

Question. How many brothers and sisters do you have?

Answer. Seven.

Question. What kind of effect did moving you off the reservation, away from your natural parents and family, have on you?

Answer. They took me away from my people, from my family, all my friends, brothers and sisters, everyone. I lost all my Indianess, language, religion, beliefs, my entire sense of belonging.

Question. As you've grown up, have you felt the hurt of being taken away? Do you miss the time being away from your people?

Answer. Yes. I especially feel for this same problems for my brothers and sisters. They lost everything.

Question. Have you or your brothers and sisters ever been literally instructed to discontinue or forget your Indian people and their beliefs?

Answer. Yes. Definitely.

Question. Have you or your brothers and sisters ever been in trouble criminally as juveniles?

Answer. Yes. To a large extent.

Question. Do you attribute any of this to your being placed in white homes?

Answer. Yes.

Question. Why?

Answer. It built in me a resentment, a feeling of anger, they had stolen everything from me. I was mad at the world. I didn't care.

Question. Do you know other Indian children in this area of Minnesota who have been placed in white foster homes?

Answer. Yes.

Question. How many?

Answer. Over 80 percent of the children of the village I grew up in, Sawyer, on the Fond Du Lac Reservation. The population is 280. Since then I have met many who were also in foster homes.

Question. Would you say, putting Indian children in Minnesota, in white foster homes by welfare is big business?

Answer. It certainly is.

Question. Do you think you will ever recover from what happened to you?

Answer. I hope so. I just don't know.

Mr. BLACKWELL. Mr. Martineau was placed, as are many Indian children in that area, in a farm area where he worked for 25 cents and 50 cents a week through his teenage years, as many of the teenage children.

The amount of work that they have done in dollars, I would imagine, would probably parallel the moneys that are being paid to the people that employ them.

This was the testimony of Mr. Martineau, an Indian foster child.

Next, Mr. Peacock, director of the Indian youth program, would like to make a few comments before we give the recommendations.

STATEMENT OF THOMAS PEACOCK, DIRECTOR, INDIAN YOUTH PROGRAM, DULUTH, MINN.

Mr. PEACOCK. I'd like to say that before we came here, we had an open hearing in Duluth, to which we invited all members of the Indian community to be present to give their ideas so we could take all the ideas and make recommendations. So we're not speaking from our own minds. We conglomerated our ideas, our thoughts, and recommendations.

I, myself, am a half-breed Iroquois. I'm a licensed Indian foster parent and have adopted an Indian child. I've been through the whole system, I guess.

Two of my sisters and one of my brothers have been in foster care and been in institutions as well, and that is from the Fond Du Lac Indian Reservation.

I'd like to tell one case in point. When I was a younger child, I lived in Carlton County, which has recently undergone quite a change because they refuted the State human rights to violate the certain rights pertaining to Indians, and the welfare director was fired and a great deal of the caseworkers were dismissed, and now they're undergoing a very drastic course in human relations, which they attempt to adapt to.

A few years ago when a caseworker would come out to the reservation, and it's very obvious because they all had new cars, the caseworker would pull up in front of the yard, and I was at one house when the caseworker came in and the mother said, here comes our caseworker. And the children immediately ran into the rooms and hid underneath their beds for fear that they would be taken away.

My reservation is presently, in the Federal district court in Minneapolis, involved in a case of consolidation hearings with the Taconite and the city of Cloquet.

They are also involved with procedures of retrocession. This is because we like to make decisions concerning the Indian people concerned; that is, make decisions concerning Indian people by ourselves.

The recommendations that we brought with us, I will read them off. Specific recommendations:

1. That an Indian child care agency, possibly the Minnesota Chippewa Tribe, Sioux communities, and urban populations, be established and contract directly with the Federal Government for all HEW and BIA funds for child caring services; that is, set up their own field offices and caseworkers.

2. To begin the return of Indian children to their natural homes or Indian foster or group homes, and a drastic lowering of the adoption rate of Indian children by non-Indian families.

Furthermore, that this Indian child care agency be given thorough supervision of all Indian children in foster and group care.

3. That Indian parents facing termination of parental rights, hearings be given thorough knowledge of their right to a court-appointed attorney.

4. That Congress authorize and make funds available for the position of the Division of Child Welfare and Family Protection Services within the Department of Health, Education and Welfare.

5. That new laws be enacted regarding the makeup, operation, and philosophy of all juvenile treatment facilities and institutions to better insure treatment and not punishment.

6. Recommendation on Public Law 280, 67 stat. 588, as enacted by the 83d Congress, 1st Session, August 15, 1953.

From that, I will go back to something that was called the Northwest Ordinance, which was in the language of, and the Ordinance referred to the final changes of the first Congress of the Constitution in 1789, what they called the utmost, good faith shall always be observed toward the Indians. Their lands shall never be taken from them without their consent; and in their property, rights and liberty, they shall never be invaded or disturbed, unless in justified and lawful wars authorized by Congress; but laws founded in justice and humanity shall from time to time be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.

The language of this ordinance was reaffirmed with minor changes by the first Congress under the Constitution in 1789.

In 1953, Congress approved House Concurrent Resolution 108 which, contrary to the "utmost good faith" which is always to be observed toward Indians and contrary to the principles of the Indian Reorganization Act of 1934, purported to end Federal responsibility for Indian affairs. Thus, House Concurrent Resolution 108 was the first formal enunciation of the termination policy of the 1950's. Public Law 280, enacted 14 days after House Concurrent Resolution 108, was part of this termination policy.

Senator ABOUREZK. I wonder, Mr. Peacock if I might interrupt you for a minute. Since this is not a hearing on Public Law 280, I wonder if it would be more fair to the remaining witnesses, if we didn't cover that particular ground at this time.

I understand that it has to be done and I agree with you.

Mr. PEACOCK. The only recommendation I'm going to make, I guess, regarding Public Law 280, is that the administrations of Kennedy, Johnson, and Nixon have stressed the policy of self-determination.

The recommendation that we give here is that Public Law 280 be abolished.

Senator ABOUREZK. Right. I tend to agree with that, but it would seem that we're going outside the scope of the child welfare area there. We're eating into the time of the other witnesses that want to talk about that particular subject.

When we do have hearings on Public Law 280, we'd like to go into your opinions on that at that time.

Mr. PEACOCK. I guess Public Law 280 involves everything.

Senator ABOUREZK. I understand that's true.

Mr. PEACOCK. That's the reason we brought along this because it does involve the children.

Senator ABOUREZK. We're very grateful for such statistics and the information and recommendations you have both provided. Once again, I want to announce that I have instructed the committee staff to set up a meeting to be held just as soon as possible, today or tomorrow, whenever we can get it done, between myself, BIA, and the Department of Health, Education, and Welfare to try and put a stop to these crisis as quickly as possible.

Mr. BLACKWELL. Just one of the things that I mentioned earlier, I just want to mention again.

We asked for an investigation for an audit of the over $1 million per year BIA moneys to Minnesota, as to the source of that.

Senator ABOUREZK. Yes, I saw that in your statement and we'll surely ask about that, too.

I don't know if we will have an audit, but we'll begin by asking where it comes from.

Mr. BLACKWELL. If it's not coming from BIA social services, if it is, in fact, coming from years ago from the closing of the Pipestone School, moneys for board and room, it's illegal.

Senator ABOUREZK. Let me express my gratitude to both of you for your information that you have provided.

Thank you very much.

[The information referred to above follows:]

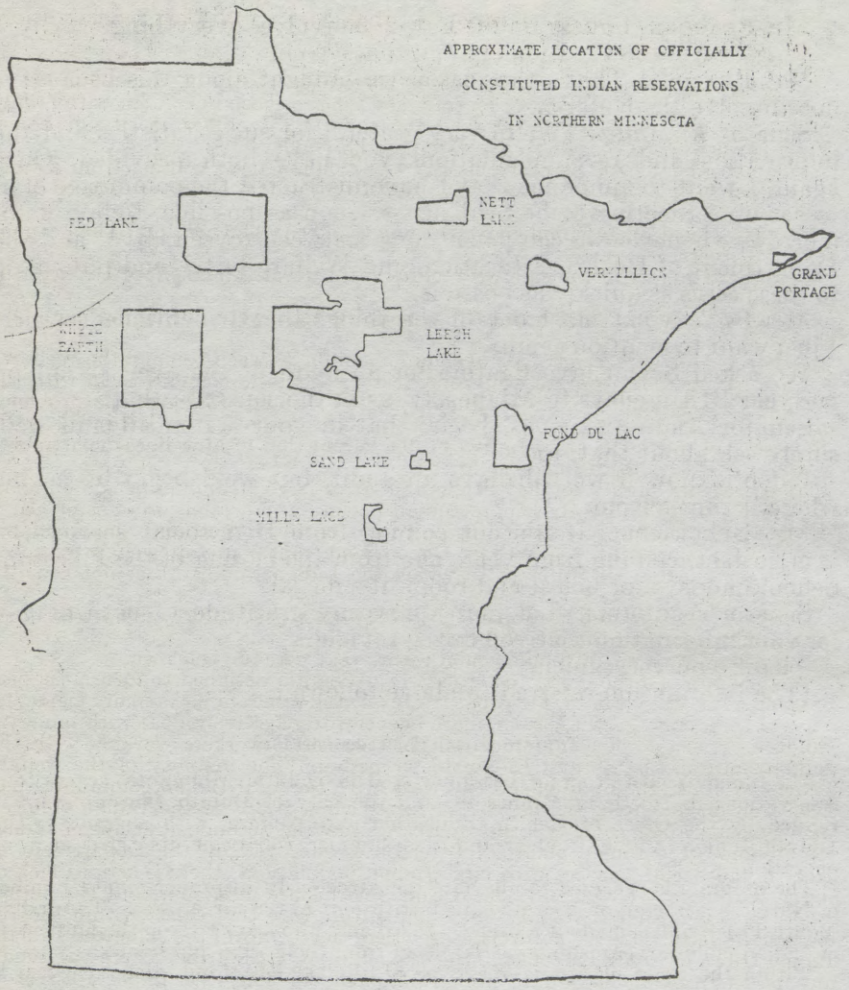
INDIAN CHILD WELFARE CRISIS

The Indian Youth Program, headquartered in Duluth, Minnesota, serves four reservations in Northern Minnesota, and the City of Duluth. The program is funded by the Office of Health, Education and Welfare, with a grant to the Duluth Indian Action Council and this summer will begin its third year of operation.

The program is designed to alleviate the atrociously disproportionate number of Native American youth in juvenile institutions in the target areas. The Indian Youth Program has made it a priority to exhaust all means to stop the mass theft of Indian children, (Anishinabe-Oski-neeg) from their tribe and homes.

Within the State of Minnesota, over $1,040,000 BIA funds alone per year is funneled into the State to pay for this child robbery. Thirty four (34%) of all Indian children are currently in foster home placements. Indian foster placements to white homes is big business in Minnesota. Countless young Indian children are placed in white families where many sweat and toil for fifty cents a week allowance. Discriminatory child placement practices must be stopped. One out of every three Indian children under one year old, are adopted. We, the Ojibwe people, are a proud people, we will not permit our children being stolen from us and placed in white homes where our tribal culture and values are completely disregarded.

The following testimony and recommendations, we hope, will not fall on closed minds, but will sincerely be listened to.



This is an interview with a licensed Indian family. This was the only licensed Indian family until a few years ago.

Due to the communication of Duluth Indian Action Council and the Indian Youth Program with the agency and the Indian community we now have eighteen licensed homes.

Question. How many years have you been in Foster Care?

Answer. We've been in Foster Care eight years.

Question. How many children have you had.

Answer. We've had 15 foster children.

Question. What was the difference between your home and a non-Indian home to these children?

Answer. As Indian parents, we could understand Indian children and their ways better than non-Indians.

Question. What type of Indian values did your home give them that they did not receive in an non-Indian home?

Answer. We practiced our Indian culture and values and made them aware of their culture and identity.

Question. Do you feel the children had lost contact with their families before coming to you?

Answer. Yes. At least half of them.

Question. How did your home differ in this situation?

Answer. As Indian parents, we encouraged them to keep in contact with family and community and also encouraged the children's family to visit our home. Many times we took the children to visit grandparents.

Question. What type of problems did the children have coming from a non-Indian home that they might not have had if they would have been placed in an Indian home to begin with.

Answer. Non-Indian parents have nothing to offer Indian children. They cannot reinforce their Indianness.

Question. Did any of the children feel resentful toward the Welfare Department or Social Worker?

Answer. Yes. They had bad feelings and felt they were not giving parents a chance.

Question. Did you feel any lack of communication between you and the Welfare?

Answer. Yes. The Welfare would like foster parents to come to them with the problems of the children. As an Indian parent I could work out the problems myself.

Question. Do you feel as an Indian Foster Parent that local welfare departments can effectively deal with Indian children?

Answer. No. Only if they have Indian input or have an Indian person on staff.

Question. Why do you feel more Indian people do not apply for Foster Care?

Answer. Indian peoples standards and ways of life do not meet the standards of Welfare Department. The Welfare Department, courts, private welfare agencies, are all complicated structures with which the Indian would rather not come in contact with.

Question. Why do Indian people feel there is not a need to use outside resources such as foster care for Indian children.

Answer. Many Indian people would rather take care of their own.

In the state of Minnesota, foster care is a program designed to insure the best possible home situation for children. However, the program lacks many elements. First is the ability of the local welfare agencies to effectively deal with minority children. The lack of communication between social workers working with the Indian natural parents and Indian foster parents. The inability of the welfare system to understand and effectively work with the local Indian community has been well documented. In the area of foster care, 31.3% of the Indian children under twenty are in some type of foster care situation. Second is the lack of Indian foster homes for Indian children. In counties surveyed by the Department of Health and Social Services with large Indian populations, there is serious lack of licensed Indian foster homes. The reasons for this are numerous, but two things stand out. The First is the amount of substitute care that exists within the Indian community. This is a natural outgrowth of the culture of the American Indian. Indian tribes have always looked after the children of the tribe. There was never any need to use outside resources for tribal members. The other important reason is the license requirement. Most families do not understand the necessity for a license: their membership in their tribes is sufficient for them to provide an adequate home for other younger tribe members. Third is the bureacracy that surrounds the entire foster care program. The Welfare Department, the courts, and private welfare agencies, are all complicated structures with which the Indian would rather not come to grips.

The population of Indians in Minnesota is approximately 1%.

Of all children in Minnesota 70% of cases guardian or parents, Indian children ratio is 59%.

Commissioner of Public Welfare acts as legal guardian of 2989 children all of whom are dependent or neglected, that is 8.2% of total Public child Welfare case load.

White children 6.3% of all White children, somewhat lower than total ratio of 8.2%.

Ratio of Indian child is much higher—19.5%, as is ratio of Negroes (16.6%)

Children under state guardianship (Mental & Epileptic) 7.7% are white children, 1.3% of Negro, and 0.8% Indian.

Children in foster homes is 17.1% of total case load. Indian children foster care is largest single catagory accounts for 31.3% of all Indian children. Comparable figure for White and Negro children nearer the total figure 15.4%, 19.2% respectively.

Public number of children by race. Public and Private case loads. *Public* total case load of 36,256. Indian children were 3220=8.9%
Key Counties:
Becker—55.8%
Beltrami—47%
Cass—70%
Carlton—28%
St. Louis—11.6%
Hennipen—9.9%
Ramsey—4.4%
Atkin—7.6% (15 children)
Chicago—10.8%
Clear Water 52.9%
Cook—23.8%
Hubbard—25.5%
Itaska—13.2%
Kooching—25.5%
Manoman—72.2%
Mille Lacs—40.3%
Pine—17.5% (50 children)
Pipestone—15.8%
Roseau—8.9% (21 children)
Traverse—12.5%
Yellow Medicine—19.1%

PRIVATE AGENCY

Catholic Social Science Association (St. Paul) 45.8% case load Lutherans 4.7% is Indian.

Childrens guardianships total 36,256—3220 are Indian Parents 25,426, Indian 1904.

Commissioner of Public Welfare:

A. Dependent or neglected 2989 total, 627 Indian (20%?)

B. 2376 Mental or Epileptic, 26 Indian

This doesn't mean there aren't any—may not take our kids who are.

Legal custody for County and Private—Total 3154, Indian 454.

Of County Welfare roles take guardianship away double the rate on Indian parents.

Hennepin County Case load 9475—White/6984, Negro/1505, Indian/934 Other/52

Foster Homes: Total 1880—White/1298, Negro/296, Indian/268.

Those that stay with parents: Total 5461, White/3913, Negro/1016, Indian/510.

St. Louis County total: 2725, White/2307, Indian/317, with parents 188, dependent or neglected, Commissioner of Public Welfare 306 Total, white/201, Indian/89. (⅓ Indian kids on Welfare.)

Legal custody—Private agency Total: 242, White/198, Indian/28. Foster families—Total: 469, White/335, Indian/105 (⅓)

Rural totals of Minnesota 17,847, Indian/1695, with parents, 12,834, Indian 987.

Rural Public Welfare Commissioner—total 911, Indian/283. Legal custody or private agencies total 1959, Indian/283. Foster homes—total 2775, Indian/551.

Involvement in Criminal Justice System by Indian Foster Children

My involvement with the Indian youth of Duluth has taken me into many areas. One of these areas has been the juvenile justice system and the subsequent results.

Of all the Indian youth that I have been in contact with through the justice system, 80.5% of these kids have been or are involved with foster homes or group homes. Of these youth, the large majority of them have been forced or very subtely pushed into forgetting their people and their culture. The cultural shock of being removed from their families has been devastating to these young Indian people. The forcing of alien values, beliefs and culture has produced another group of very confused and unfortunately, partially assimilated or totally assimilated young Indians.

The practice of removing young Indians from their families has become a big business for white families and a cop-out for the Welfare system. The saving of

Indian youth from their own people has become the answer to the so-called Indian problem. Welfare sits by and gives white foster parents the job of raising Indian children as good Christian Americans with a sense of value and worth, instead of allowing that child to remain in his home and retain a culture of beauty, rationale and spiritualness.

Again, white people are getting rich off the Indian. The whiteman has used the Indian's art, handicrafts, land base, bodies and now their children to obtain the almighty dollar. The entire practice of foster placement is a disguise for further humiliation, destruction of family life, assimilation of a people and the ultimate genocide of the American Indian.

The cycle never ends for Indian youth because the child cannot relate to his white foster parents and their values. He or she builds up a resentment that can take many manifestations. Unfortunately, most Indian youth take the route of breaking the law and thus becoming involved with the juvenile justice system. This involvement only gives the courts and welfare the excuse to continue foster care. The sale of Indian flesh by Welfare to white foster parents is a poor excuse for a solution to the Indian problem. When, in fact, the real Indian problem is the whiteman himself. The young Indian never learns to cope with his new environment because the foster parents far too often see him or her as a meal ticket. He is never accepted as an Indian; he always has to change to the foster parents ideas of a young adult or child. School is a problem because the foster parents and the school have their pre-conceived ideas of the Indian as a low achiever who will never amount to anything.

The sensitivity and human care for young Indians died with the Sand Creek Massacre, the Washita Massacre and the Wounded Knee Massacre. Money has replaced humane attitudes in the whiteman's world and thus the Indian is sold on the block as a slave. He or she becomes a slave to a demoralizing, dehumanizing, ineffective and outdated set of values and beliefs.

There are no other conclusions to draw except that the Indian has been and still is being forced from his world into an alien one. The Indian is still not recognized as a human being with rights and privileges, even though he has given his life in all the major wars of this century, honored his end of the treaties, respected the flag and accepted the principles that this country was based on.

Stealing our future as a people is one of the greatest crimes the whiteman has ever devised. He justifies it with the fact that the Indian is a "pagan", a believer in the preservation of nature, a non-user of mineral resources, a non-destroyer of the land and a family man. All of which have gone by the wayside because they don't adhere to progress and civilization. The whiteman has used progress as an excuse to conquer and own all, including people of other cultures. No one asks the Indian how he feels and what he believes, because after all he is only a pagan savage with a thirst for the whiteman's medicine, alcohol.

The entire question of Indian parents rights has been violate. The Indian parents have never been consulted about their children and whether they can be or should be removed from home. Home may only be a 2 or 3 room house, but it is a place of love and understanding, not a place of materialistic values and insensitive ideas about the darker races of the world.

The Welfare is insensitive and immoral when it comes to Indian feelings, beliefs and rights. The law has never been upheld for Indians and their fight to retain their children. A double standard exists in the Welfare system for Indians and parental rights and only the whiteman can do away with that standard. The law was created by the whiteman and is used by him to get what he wants. Too often, the whiteman uses his law to protect himself from his moral obligations to the Indian.

Only the whiteman can change and sacrifice because the Indian has done too much of both. The need for justice exists, what will the government do to equalize the whiteman and the American Indian.

ED HOWES,
Duluth Youth Worker.

INDIAN FOSTER CHILD

The following is testimony by Vincent Martineau, 23 years old, of the Fond du Lac Indian Reservation. Mr. Martineau spent a great portion of his childhood off the reservation and placed in white foster homes. Billy Blackwell of the Indian Youth Program questioned him.

Question. At what year were you taken from your family?

Answer. September, 1963—13 years old.

Question. Why were you taken?

Answer. My father died. They thought my mother couldn't take care of us.

Question. Were you taken off the reservation?

Answer. Yes. Twenty miles away. I was placed in jail 17 days while they attempted to find me a foster home.

Question. Were you taken to a non-Indian family?

Answer. Yes.

Question. How many non-Indians families have you and your brothers and sisters been shipped off to?

Answer. 14 families.

Question. How many brothers and sisters do you have?

Answer. Seven.

Question. What kind of effect did moving you off of the reservation—away from your natural parents and family have on you?

Answer. They took me away from my people, from my family, all my friends, brothers and sisters, everyone. I lost all my Indianess, language, religion, beliefs, my entire sense of belonging.

Question. As you've grown up, have you felt the hurt of being taken away? Do you miss the time being away from your people?

Answer. Yes. I especially feel for the same problems for my brothers and sisters. They lost everything.

Question. Have you or your brothers and sisters ever been literally instructed to discontinue or forget your Indian People and their beliefs?

Answer. Yes. Definitely.

Question. Have you or your brothers and sisters ever been in trouble criminally as juveniles?

Answer. Yes. To a large extent.

Question. Do you attribute any of this to your being placed in white homes?

Answer. Yes.

Question. Why?

Answer. It built in me a resentment, a feeling of anger, they had stolen everything from me. I was mad at the world. I didn't care.

Question. Do you know other Indian children in this area of Minnesota who have been placed in white foster homes?

Answer. Yes.

Question. How many?

Answer. Over 80% of the chiidren of the village I grew up in, Sawyer, on the Fond du Lac Reservation. The population is 280. Since then I have met many who were also in foster homes.

Question. Would you say, putting Indian children in Minnesota, in white foster homes by welfare is big business?

Answer. It certainly is.

Question. Do you think you will ever recover from what happened to you.

Answer. I hope so . . . I just don't know.

PUBLIC LAW 280 STATES—CALIFORNIA, MINNESOTA, NEBRASKA, OREGON, AND WISCONSIN

'The utmost good faith shall always be observed toward the Indians; their lands shall never be taken from them without their consent; and in their property, rights and liberty, they shall never be invaded or disturbed, unless in justified and lawful wars authorized by Congress; but laws founded in justice and humanity shall from time to time be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.'

The language of this ordinance was reaffirmed with minor changes by the first Congress under the Constitution in 1789.

In 1953, Congress approved House Concurrent Resolution 108 which, contrary to the "utmost good faith" which is "always" to be observed toward Indians and contrary to the principles of the Indian Reorganization Act of 1934, purported to end federal responsibility for Indian affairs. Thus, House Concurrent Resolution 108 was the first formal enunciation of the termination policy of the 1950's. Public Law 280, enacted 14 days after House Concurrent Resolution 108, was part of this termination policy.

Public Law 280 provided for what seems to be a unilateral assumption of civil and criminal jurisdiction by states over Indians without the consent of Indians. Many Indian tribes and people at this time objected to the law as written and asked than an amendment be attached to the legislation which would require a referendum among Indians before the state could assume jurisdiction over them.

Congress did not heed to the Indian wishes, and it became law, as is. There seems to be a serious legal question as to whether Public Law 280 has any validity in any state, regardless of how that state assumed jurisdiction because, in the absence of Indian consent, Public Law 280 as part of the policy of termination could well be an illegal attempt by the United States to abrogate its responsibility to the Indian people.

Throughout the administrations of John F. Kennedy, Lyndon B. Johnson and Richard M. Nixon, administration policy has been one of self-determination by Indian people. Public Law 280 runs against the grain of today's national policy. Therefore, it is the consensus of the Indian people of Duluth, Minnesota that Public Law 280 be abolished and new laws be enacted which would be in line of the present self-determination policy.

SPECIFIC RECOMMENDATIONS

(1) That an Indian child care agency (possibly the Minnesota Chippewa Tribe, Sioux Communities, and urban populations) be established and contract directly with the federal government for all D/HEW and BIA funds for child caring services; that is, set up their own field offices and case workers.

(2) To begin the return of Indian children to their natural homes or Indian foster or group homes, and a drastic lowering of the adoption rate of Indian children by non-Indian families. Furthermore, that this Indian child care agency be given thorough supervision of all Indian children in foster and group care.

(3) That Indian parents facing termination of parental rights hearings be given thorough knowledge of their right to a court appointed attorney.

(4) That Congress authorize and make funds available for the position of the Division of Child Welfare and Family Protection Services within the Department of Health, Education and Welfare.

(5) That new laws be enacted regarding the make-up, operation, and philosophy of all juvenile treatment facilities and institutions to better ensure treatment and not punishment.

(6) Recommendation on Public Law 280 (67 stat. 588) as enacted by the 83rd Congress, 1st session, August 15, 1953. Pertaining to the original policy of the United States of America, the Northwest Ordinance of 1787 provides a oft quoted reminder of "original" federal policy toward Indians:

Senator ABOUREZK. The next witness is Ms. Ramona Osborne who works for the Bureau of Indian Affairs in Washington.

We'd like to welcome you to the committee. Do you have a prepared statement?

Ms. OSBORNE. No. I don't.

STATEMENT OF RAMONA OSBORNE, BUREAU OF INDIAN AFFAIRS, WASHINGTON, D.C.

Ms. OSBORNE. Senator Abourezk, I would like to take this opportunity to express my appreciation for the opportunity to share my insights concerning the welfare of Indian children and youth.

Before proceeding, however, I would like to state for the record that I am a member of the Pawnee Tribe of Oklahoma and educator with the Bureau of Indian Affairs, and am appearing today in my personal capacity.

Senator ABOUREZK. You're not representing the Bureau of Indian Affairs?

Ms. OSBORNE. No, sir. I'm appearing in a personal capacity.

Senator ABOUREZK. Have you been warned or advised by the Bureau of Indian Affairs not to testify?

Ms. OSBORNE. No, I have not.

Senator ABOUREZK. You don't feel your job is in danger because you're going to testify?

Ms. OSBORNE. I hope not.

Because of the technical nature of a portion of my testimony, I think it might be well if I provide a brief résumé of my professional preparation and experiences which have resulted in the views that are given and that are expressed.

Personally, I hold degrees in education from Oklahoma Baptist University and North Eastern State College of Oklahoma. I have experiences as a classroom teacher and have served as State coordinator of the leadership development program for Oklahoma Indian youth, and currently served as director of the Bureau's student activity program.

Perhaps of greater significance to the measure of my statement, is that during the past 2 years I have done extensive research into the two critical areas of educational administration and student rights.

While the major emphasis of these hearings is upon abuses of child removal practices, my statement concerns the welfare and well-being of Indian children and youth once they have been placed in a living environment away from their natural parents.

Recognizing that the boarding schools offered by the Bureau provides such living arrangements for a large number of Indian children and youth, I would like to focus upon the Bureau practices, policies, and procedures, which in my estimation do not permit the maximum development of the student and secondly, do not cultivate the Bureau's legal obligation to accord and protect the constitutional rights of students enrolled in a school.

At the present time, the Bureau operates some 75 boarding schools which have a combined total enrollment in excess of 30,000 students. As set forth in the Bureau manual, eligibility for admission is determined by the specific or by specifying educational and social criteria which include those students who are retarded scholastically 3 or more years, those who are rejected or neglected or for whom no suitable plan can be made, and those whose behavioral problems are too difficult for solutions by their families for their existing community facilities.

Understandably, therefore, the criteria dictates that there will be a concentration of students in these boarding schools who have special problems and special needs.

The fact that most of these students enrolled in boarding schools are there for social reasons is well known. Many come from broken homes, others are orphans or delinquents, and most are neglected in some way or another. The very nature of these circumstances indicates that the school is in a great moral and professional responsibility to provide every opportunity for the maximum development of the student, socially, emotionally, and intellectually, physically, and spiritually.

At present, in my estimation, this is not possible where there are fundamental problems of educational administration which are not considered in the organization and administration of Bureau's educational system, of which the 75 boarding schools are a part.

Consider, for example, the incapatibility which exists between the nature of an enrollment as dictated by the admission criteria and the Bureau's boarding school program. In effect, and in reality, there is no compatibility whatsoever. Here we have students enrolled who have special problems and special needs. Yet, the programs which are

offered by these boarding schools and the staffing of these schools, do not reflect in any way that these programs are based or directed toward culminating the needs of these students.

In my estimation, if the boarding schools are ever to become or are ever to be of a qualitative nature, the major reforms are necessary in the manner in which the Bureau administers its total educational system.

It is tragic, but some of the most basic principles of sound administration are not considered in the least.

Consider, for example, the fact that as a general rule the needs of students enrolled in Bureau boarding schools have not been scientifically identified. As a result of the failure to assess such needs, it is totally impossible to establish sound program objectives.

In addition, it is further impossible to develop a program or any plan of action for obtaining any objectives in meeting the needs of these students, the individual needs.

While there has been some discussion this morning with regard to the assessment of needs and the fact that the needs of students in Bureau schools have been assessed, I would hasten to add that it is very important that any assessment of needs be done in a most scientific manner.

For example, it will be necessary to utilize testing instruments. In addition, it is extremely important to gain the perspectives of the parents of these students who are enrolled in these schools.

It is further important to get the perspectives of the students themselves. It is also important to gain the perspectives of the administrators and the staff of these schools. I cannot emphasize enough the necessity for, on a school-by-school basis, developing or making an assessment of the overall needs of the students that are enrolled in our boarding schools.

On another matter that related to the matter of student rights and responsibilities, we have been in the process for almost 3 years attempting to develop a code of student rights and responsibilities. Over the past 3 years, we have been attempting to identify the extent to which students enrolled in Bureau of Indian Affairs schools may exercise their constitutional rights.

In December of 1971, I was given the responsibility for developing such a code. After extensive discussions with my supervisor, my division chief, and the then director of education, we came up with a very comprehensive project which would have enabled us to develop a code of student rights and responsibilities. In addition to performing a need assessment identifying goals and objectives and beginning the process of establishing personnel standards for employees who are working in the Bureau of Indian Affairs.

This was in December 1971. The project was conceived as a three-phase project. We have completed phase 1, but we were never able to receive an approval, nor funding for the continuation or the completion of phase 2 and phase 3.

In addition to these efforts, a number of other efforts were commenced at about the same time that the Bureau commenced its effort. Unfortunately, nothing ever really resulted from the efforts of these several groups.

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In August of 1963, the Bureau established a five-member committee on student rights and responsibilities who would have the responsibility for developing a set of policy guidelines relating to the rights and responsibilities of students enrolled in the Bureau of Indian Affairs schools.

In my estimation, there was considerable confusion within the committee as to just exactly what our responsibility was in terms of developing such guidelines. I am of the opinion, that the guidelines should set forth what the law says with regard to constitutional rights, but these guidelines should further set forth what the courts have determined to be the law with regard to the exercise of these rights and that, further, these guidelines must also cultivate the diverse situations and conditions which exist throughout the Bureau's educational system.

On the other hand, other members of the committee felt that to do this we would be getting too specific, that we should leave this specificity to the responsibility of the individual schools, to the neighborhoods, that they develop their own policy relating to student rights and responsibilities.

Senator ABOUREZK. Were there any procedural rights set out in the guidelines at all?

Ms. OSBORNE. None other than as it would relate to procedural due process.

Senator ABOUREZK. Were there guidelines of procedural due process laid out?

Ms. OSBORNE. Very general. They were very general.

Senator ABOUREZK. Did it provide, for example, for ways in which the students could bring their grievances?

Ms. OSBORNE. No, sir, it did not. The only thing that it provided for was notification of the charges against the students at hearings, and the right of appeal. This basically is what was provided in the proposed guidelines.

Senator ABOUREZK. Let me ask you this. The considerations of concern that you've expressed with regard to the incompatibility of the boarding school program and the needs of students were made known to education administrative personnel and the Bureau?

Ms. OSBORNE. Very definitely.

Senator ABOUREZK. What has been the result of your letting them know that?

Ms. OSBORNE. The response which I have received so often is, "Well, yes, this is true; however, we don't think that it would be wise to address ourselves to that particular point at this time."

Now this viewpoint of the incompatibility and the necessity for performing a needs assessment and developing educational objectives was the essence of the project proposal which was submitted in December 1971 as I mentioned earlier.

In addition to this being set forth in the project proposal, I did reiterate this very point in a memorandum that was dated July 6, 1973, in which, it was to the acting director of indian education programs through chief division school operations with regard to student rights and responsibilities, and this memorandum, which is four pages in length, I go into great detail to explain the project which had been taken prior to that time, the entire nature of the project and the

objectives which we hope to obtain through the project. However, in response to this memorandum I was totally disappointed that no consideration was given, whatsoever, to these very important areas.

Senator ABOUREZK. Do you want to offer that memorandum for the record?

Ms. OSBORNE. Fine.

Senator ABOUREZK. We'll accept it.

[The memorandum follows:]

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Washington, D.C., July 6, 1973.

MEMORANDUM

To: Acting Director of Indian Education Programs.
Through: Chief, Division of School Operations.
From: Education Specialist (Student Activities).
Subject: Student Rights & Responsibilities.

Recently, on several occasions, I have discussed student rights with my Division Chief, Richard Keating. The focal point and repeated emphasis of these discussions concerned the legal vulnerability of the Bureau in this particular area of educational responsibility.

It was when no results of my efforts seemed to be forthcoming that I met with you for the purpose of alerting you to this vulnerability. As you requested, however, I returned to Dr. Keating and again discussed this with him, with the understanding that following such discussion he and I would meet with you to discuss this matter fully. Unfortunately, this meeting has not materialized. Instead, in a memorandum dated June 20 to Dr. Hopkins, you request "an evaluation of student rights and responsibilities" and designate a "leader of the evaluation project."

Because of the critical nature of our current position regarding student rights and since it appears unlikely that I shall have an opportunity to meet with you soon on this matter, the following factors are set forth for your consideration.

1. Current Bureau policy does not adequately provide for the protection of our students' constitutional rights. Specific provisions concerning student rights are not now a part of Bureau policy, except, due process procedures which were issued as an "Interim Procedure for Student Expulsions." Part III of these procedures, however, violate the very right they were intended to protect. They authorize the expulsion of students prior to a hearing, and, thus, contradict the concept and principles of due process—a condition made known to appropriate education personnel as long ago as March, 1972 and reiterated as recently as 3–4 weeks ago.

2. The development of sound policy relating to student rights demands a systematic and comprehensive approach—an approach which insures extensive research, careful consideration and appropriate application of legal and educational factors. The importance of this can best be illustrated by the bitter lessons of our own mistakes. The untenable provisions of part III of the Interim Procedure, as an example, are the direct result of imprudent reliance upon persons not having the benefit of thorough research in the area of student rights. Although I was initially involved in the development of the procedure, records indicate that the ill-conceived part III was prepared and other revisions made by a person having no experience or background in student rights.

With specific reference to the necessity of a comprehensive approach, the Central Office has erroneously operated on the assumption that a Code of Rights & Responsibilities is a legal entity, wholly independent of the circumstances, needs, and objectives of the educational program. Such an assumption, however, is negated by the inherent relationship of student rights to the program goals and objectives. This relationship has been repeatedly confirmed by the courts. The general concensus of judicial opinion is that, although a student is protected by the constitution and must, therefore, be accorded his fundamental rights, the exercise of these rights must correspond with the circumstances of the school. The United States Supreme Court, in reviewing a case involving freedom of expression, asserted that the exercise of rights must be "in light of the special characteristics of the school environment."

Adding another dimension to this relationship, the lower courts, in declaring that the school has a legal obligation to set forth standards of student conduct,

have pointedly implied the importance of program needs and objectives. In this respect, the report of the Commission on Campus Government and Student Dissent by the American Bar Association, emphasizes that standards of student conduct are determined by the educational needs and objectives of the respective program, and, the extent to which it has reasonably determined that certain rules are necessary to the accomplishment and protection of the objectives.

3. In his status as a student, an individuals first right is the right to a quality education—a right confirmed by the U.S. Supreme Court as early as 1923.

Efforts to provide adequate protection of student rights must, therefcre, include measures which insure quality in our educational program. An appropriate first measure is to assess the "foundation" upon which the Bureau's total education program is based, for effective program organization and administration dictates that a sound and meaningful foundation is the first requirement. The educational foundation, including a stated philosophy, goals and objectives, and standards, provide a minimal but comprehensive framework for the development of a quality educational program—the philosophy providing a broad description of the conditions, beliefs, and concepts upon which the program is based: the goals and objectives clearly identifying specific accomplishments which the program is seeking to attain; and, finally, the standards providing a framework of criterion for establishing and maintaining quality.

It has been my continued position that the foregoing factors mentioned in items 2 and 3 above must be considered in the development of a Code of student rights and responsibilities. It was these factors and realizations upon which I designed and proposed a 3-phase study of student rights and responsibilities in February, 1972 The project was approved in March, 1972. Funds were allocated for phase I and this was implemented under contract with the Oklahoma Indian Rights Association.

4. The 3-phase student rights project provides a sound, systematic and comprehensive approach to the fulfillment of our responsibility regarding the basic rights of our students. The project sought to develop a realistic sequential basis for the development of a Code of Rights & Responsibilities by bringing together basic and appropriate elements of law, educational management theory, and the perspectives of educators, students, and Indian people, particularly parents. At this point, only phase I has been implemented. This phase was primarily fact finding in nature, and generally encompassed the following activities:

1. Legal research to determine the legal and educational responsibilities of bureau schools; the adequacy of existing bureau policy relating to student rights; the applicability of court rulings involving the rights of public school and university students.

2. An examination of theory and principles of educational program organization and administration.

3. A survey of perspectives on student rights, various aspects of the bureau's educational program, including an assessment of needs as perceived by school administrators, teachers, dorm staff, students, Indian parents, advisory school boards, and other interested individuals and groups.

The ultimate objectives of the total 3-phase project were, to:

(1) Establish a Bureau-wide educational philosophy, goals and objectives, and educational standards;

(2) Develop a Code of Rights and Responsibilities; and,

(3) Design a corresponding plan to orient Bureau personnel and students, parents, etc., to the newly developed philosophy, goals and objectives, standards, and code; and within the framework of these documents assist area education offices and schools in the development of similar documents appropriate to their specific circumstances.

Compilation of phase I results was delayed due to the damage or loss of a number of graphs, charts, and other material during the November take-over. Efforts to reconstruct this material are continuing and I am reasonably confident that these can be entirely reconstructed.

Considering the foregoing factors, the enormity and complexity of student rights, and the critical importance of time, development of a Code of Rights & Responsibilities can no longer be delayed. In this regard and with all due respect, I question the necessity of "an evaluation of student rights and responsibilities." Certainly, the current status of the several efforts pertaining to student rights must be clarified, and a determination made as to what must be done from here on. However, an "evaluation project" per se is not required to accommodate the items set forth in your memorandum.

With specific reference to the "decision areas" set forth in your memo, these can easily and adequately be answered within the course of a few hours of effort and open discussion. For example, with regard to the Central Office involvement, as expressed in the first decision area, it seems perfectly clear as to what the Central Office's involvement must be in light of the policy making function with which it is charged.

In addition, the administrative soundness and feasibility of an evaluation must be carefully considered, for: How can an evaluation, in it's technical sense, and as might be performed by the Division of Evaluation and Program Review, be warranted and accommodated in the absence of policy relating to student rights.

Finally, time is critical—The "evaluation project" to be completed by August 5, and the designation of a person who would need time to study the total area of rights as the "leader of the evaluation project" dangerously prolongs the Bureau's period of legal vulnerability.

In conclusion, clarification of individual rights and corresponding responsibilties of students enrolled in Bureau schools is critical. Serious confusion and questions continue to exist regarding the extent to which the schools may establish and enforce student conduct without enfringing upon individual rights. Disciplinary problems have increased and will worsen until policy guidelines are set forth which clearly designate the scope of school administrators' authority.

During the past year I have deligently and extensively researched the total spectrum of student rights. This has included careful examination of the law, review of court decisions involving student rights and extensive conversations with students, Indian people, school administrators and staff. For these reasons, I feel that I have a valuable contribution to make toward the fulfillment of our responsibility to protect the constitutional rights of our students. I am, therefore, requesting that I be designated the responsibility of developing a Code of Rights & Responsibilities for our schools.

I shall appreciate an opportunity to discuss this with you at your earliest convenience.

RAMONA L. OSBORNE.

Senator ABOUREZK. Ramona, do you have anything more you would like to say today?

Ms. OSBORNE. No, sir, not at this particular time.

Senator ABOUREZK. I want to express the gratitude of the committee for your testimony and for the information provided. We're hopeful that that will be helpful as well. We want to thank you very much.

[Subsequent to the hearing the following information was received:]

RESEARCH AND EVALUATION REPORT SERIES NO. 25-B

STUDENT RIGHTS AND RESPONSIBILITIES

A PROGRESS REPORT



INDIAN EDUCATION RESOURCES CENTER
BUREAU OF INDIAN AFFAIRS
DIVISION OF EVALUATION AND PROGRAM REVIEW
P. O. BOX 1788
ALBUQUERQUE, NEW MEXICO 87103

APRIL 1974

ROGERS C. B. MORTON, SECRETARY
Department of the Interior

MORRIS THOMPSON, COMMISSIONER
Bureau of Indian Affairs

WILLIAM J. BENHAM, ACTING DIRECTOR
OFFICE OF INDIAN EDUCATION PROGRAMS
Washington, D.C.

WARREN I. TIFFANY, ACTING ADMINISTRATOR
INDIAN EDUCATION RESOURCES CENTER
Albuquerque, New Mexico

THOMAS R. HOPKINS, CHIEF
DIVISION OF EVALUATION AND PROGRAM REVIEW
Albuquerque, New Mexico

FOREWORD

In recent years, the Bureau of Indian Affairs, like other organizations operating education systems, has had to re-examine its position with regard to the current legal status of youth attending school. Court actions, although still indecisive on this point, herald a new era of school-student relationships and the Bureau's Office of Indian Education Programs holds that this change will assure improved conditions for the total school community.

It was with this positive attitude that the Bureau embarked on a course which has led to the development of Student Rights and Responsibilities Regulatory Procedures. In order to move quickly, but fairly, a strong foundation was designed to assess existing programs, court decisions, legal opinions, and Indian student and community viewpoints. The steps were patiently taken to arrive at a Student Rights and Responsibilities Proposal with nationwide support.

This document or series of papers demonstrates the care with which we have moved to provide the areas and local schools with Guidelines and legal support to establish Student Rights and Responsibilities Programs. It is our hope that the process of developing and implementing these programs will be a rewarding educational experience for all Indian youth in Bureau Schools.

Dr. William J. Benham
Acting Director
Office of Indian Education Programs

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BACKGROUND INFORMATION REGARDING BIA STUDENT RIGHTS AND RESPONSIBILITIES

The Nation's Education Institution in the very late Sixties and early Seventies started going through an unsettled period regarding the rights and responsibilities of students. This movement started affecting Bureau schools in a real manner during the School Year 1971-72. It cultimated in a Commissioner's memo dated February 1, 1972, entitled, "Interim Procedures for Student Expulsion." Apparently, there was unrest about the number and types of expulsions from Bureau schools and the manner in which they were being handled. Also, though it is not clearly known why, the BIA Manual procedures regarding expulsions were not involved in the problem. Essentially, starting with the above-cited memo, there was a great deal of activity within and outside of the Bureau regarding Student Rights and Responsibilities in Bureau schools.

In May 1973, the Program, which is a sensitive one, again emerged when there was a question of how best to develop it. At that time, it was decided that a systematic implementation should be undertaken. The first part of this was to evaluate the program on a Bureauwide scale. The evaluation took place and is available in report form. Following the evaluation, an inhouse committee was established to develop Program Guidelines in Student Rights and Responsibilities that were to serve as a basis for developing a section for the Indian Affairs Manual (IAM). The Committee started meeting in October 1973 and completed their work on February 26, 1974.

It should also be noted that the Commissioner's memo cited above was replaced on December 26, 1973, with a Bulletin that added to the expulsion procedures and made some modifications.

The Student Rights and Responsibilities Committee work was renewed by the Field Solicitor in Albuquerque, New Mexico, and by the Assistant Solicitor for Indian Affairs in Washington, D.C. Both reviews confirmed the Committee work and said that: "... we conclude that the substantive provisions of Sections 906, 62 BIAM, entitled Rights of the Individual comport with due process requirements."

The Assistant Solicitor's opinion did, however, continue and dealt further with the Interim Procedures and the proposed guidelines. The Solicitor drew from the Supreme Court decision under Morton vs Ruiz wherein following the Administrative Procedure Act, as it pertains to substantive rulemaking, was cited. The Administrative Procedure Act requires publishing in the Federal Register those Federal rules that affect the public. Hence, the new guidelines are now in the process of being published in the Federal Register and appropriate parts of them will eventually become a part of the Code of Federal Regulations 25, which concerns Indian Affairs. The Assistant Solicitor also stated that the Interim Procedures, because they had not followed the Administrative Procedures Act, were invalid procedually and, "... may not affect anyone adversely." This same conclusion applies to the IAM that is extant.

Currently, the Bureau is proceeding with dispatch, to correct the situation and place this most vital aspect of the Education Program on a sound humane and legal base.

To itemize, the Program as planned has the following steps:

1. Evaluation (completed).
2. Development of Guidelines (completed).
3. Field review of Guidelines (completed).
4. Development of Manual Release (being revised).

5. *Legal review of proposed Manual section and publication of pertinent parts in the Federal Register according to Administrative Procedure Act (now in process).*
6. *Development of Curriculum Bulletin to support program concept (being developed now).*
7. *Evaluate the program during the 1974-75 school year.*

There are some general observations that are important to a better understanding of the program.

First, the Guidelines developed by the Committee (which was created by Assistant Secretary William Rogers) received a wide national review and critique. The product of the Committee, therefore, is a result of this review. One theme provided by the review process was that the General Office should offer general guidance and that each Field location should have responsibility for developing detailed Guidelines and a corresponding program. Publication in the Federal Register will present little new material to the schools and Indian communities.

Second, the Committee had constant advice from the Field Solicitor in Albuquerque and from the American Indian Law Students. Their advice is incorporated in the Bulletin.

Third, the appraoch taken early in the program tended to be largely negative. That is, it centered on expulsion procedures as applied to a small minority of the total student body. This seemed to the Committee to be inadequate and the Guidelines thereby reflect general program concern with expulsion of students as a part of it. This more comprehensive approach appeared to the Committee to be more equitable regarding all students.

Fourth, another aspect of the negativism referred to above was directed at BIA educators. A small minority of reviewers expressed the opinion that they thought school administrators for the most part would expell students in wholesale fashion in violation of the student's constitutional rights. The evaluation could not find verification for this position.

Fifth, there is a basic difference of opinion about the manner in which the Guidelines should be administered. Those who have distrust of Field educators think that the Guidelines should be very detailed and restrictive. This position is based on the belief that the Central Office of Education should have a significant hand in school operations. The other position is based on the premise that the Area Office should have operational responsibility for the program placed squarely on their shoulders. However, it should be noted that there is no difference of opinion regarding basic program concepts. Differences pertain to administration of the program, only.

It is important to know that the approach taken by the SRR Committee borrowed liberally from the broad national review of a draft of the Guidelines. This refers to Step No. Three above.

There is every reason to believe that the Student Rights and Responsibilities program is approaching that time when major responsibility for it will be clearly and definitively shifted to the local level. If no unforeseen problems arise, the summertime should provide an excellent opportunity for schools and the Indian communities to prepare the details of their own student rights and responsibilities program.

February, 1974

BACKGROUND INFORMATION REGARDING BIA STUDENT RIGHTS AND REPONSIBILITIES

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In May of 1973 the program, which is a sensitive one, again emerged when there was a question of how best to develop it. At that time it was decided that a systematic implementation should be undertaken. The first part of this was to evaluate the program on a bureauwide scale. The evaluation took place and a copy of the report is attached. Following the evaluation an inhouse committee was established to develop program guidelines in Student Rights and Responsibilities that were to serve as a basis for developing a section for the IAM.

The committee started meeting in October of 1973 and completed their work on February 25, 1974. The attached Bulletin emanates from the Committee Guidelines.

It should also be noted that the Commissioner's memo cited above was replaced on December 26, 1973 with a Bulletin that added to the expulsion procedures and made some modifications.

To itemize, the program as planned has the following steps:

(1) Evaluation, (completed)

(2) Development of Guidelines, (completed)

(3) Field review of Guidelines (completed)

(4) Development of Manual Release (Being reviewed)

(5) Development of Curriculum Bulletin to support program concept (Being developed now)

(6) Evaluate the program during the 74-75 school year.

There are some general observations that are important to a better understanding of the program.

First, the guidelines developed by the committee (which was created by Assistant Secretary William Rogers) received a wide national review and critique. The product of the committee, therefore, is a result of this review. One theme provided by the review process was that the Central Office should offer general guidance and that each field location should have responsibility for developing detailed guidelines and a corresponding program.

Second, the committee had constant advice from the Field Solicitor in Albuquerque and from the American Indian Law Students. Their advice is incorporated in the Bulletin.

Third, the approach taken early in the program tended to be largely negative. That is, it centered on expulsion procedures and these as applied to a small minority of the total student body. This seemed to the committee to be inadequate and the guidelines thereby reflect a general program concern with expulsion of students as a part of it. This more comprehensive approach appeared to the committee to be more equitable regarding all students.

Fourth, another aspect of the negativism referred to above was directed at BIA educators. A small minority of reviewers expressed the opinion that they thought school administrators for the most part would expell students in violation of the student's constitutional rights. The evaluation could not find verification for this position.

Fifth, there is a basic difference of opinion about the manner in which the guidelines should be administered. Those who have distrust of field educators think that the guidelines should be very detailed and restrictive. This position is based on the belief that the Central Office of education should have a significant hand in school operations. The other position is based on the premise that the Area Office should have operational responsibility for the program placed squarely on their shoulders. However, it should be noted that there is no difference of opinion regarding basic program concepts. Differences pertain to administration of the program, only.

Last, there is some belief that the interim procedures issued in December pose a very serious problem for the field. Basically, this refers to Section III which pertains to immediate expulsions. There are several problems but two examples will show what is meant. In some instances there are both Federal and public school employees in the same building and the procedures don't fit the local situation. In another instance, student council representation on the panels has been refused by the student council representatives. There are other problems but these two point out the difficulties that the procedures are presenting. In the opinion of the Field Solicitor, it would be very difficult for the Bureau to stay clear legally because it would be too easy to prove that the procedures were not followed. From the educators stand point, the highly structured procedures focus attention on procedures rather than on education related to the Constitution and a citizens rights under it. In summary, the Interim Procedures as they now stand are largely administratively unmanageable and educationally unsound.

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
OFFICE OF EDUCATION PROGRAMS
INDIAN EDUCATION RESOURCES CENTER
P.O. BOX 1788
ALBUQUERQUE, NEW MEXICO 87103

IN REPLY REFER TO:
Program Review & Evaluation

FEB 1[illegible]

Memorandum

To: Acting Director, Office of Indian Education Programs
Student Rights and Responsibilities Committee Members

From: Chief, Division of Program Review and Evaluation

Subject: Progress Report - Student Rights and Responsibilities (SRR)

The development and implementation of the SRR program is progressing satisfactorily, though delayed in relationship to our initial time considerations. A brief review of the activities is appropriate at this time.

An informal review of the SRR program in May 1973 revealed that it was extremely sensitive, confused, and at a standstill. It was determined at that time that the program should be given top priority due to its sensitivity and should be implemented with all dispatch. Characteristics of the process were to be influenced by Indian involvement and local initiative.

The first thing in the implementation process was the assignment of an evaluation of the Bureau-wide program in SRR. Dr. Henry H. Rosenbluth conducted the evaluation and submitted his report to the Department in August 1973. The evaluation report reflected that there was a wide range of activities in Bureau schools and that the quality and quantity of them ranged from 0 - 100 percent. It also indicated that while there were some outstanding programs in effect in schools, that in general, the Bureau was slightly behind the public schools in program development.

Upon completion of the evaluation, a committee was assigned to develop program guidelines in SRR. The committee was to use the evaluation report as a point of departure. It was also important to reflect in the committee strong local initiative and Indian involvement. The Central Office role was to be one of general guideline development that would have national applicability. Area Offices were to have responsibility for detailed implementation of the program. The committee which was formed was headed by an Area Office Education official, a School Superintendent, and two Central Office Education Specialists, and one Central Office Division Chief who served primarily in a technical capacity. The committee membership was as follows:

Gabe Paxton, Chairman (Anadarko Area Office)
Jerry Jaeger, Assistant Chairman (Superintendent, Intermountain Indian High School)
RaMona Osborne, Member (Central Office, Education Specialist)
Henry Rosenbluth, Member (Central Office, Education Specialist)
Thomas Hopkins, Member (Central Office, Education Division Chief)

The committee developed a draft set of program guidelines in SRR. These guidelines were given a broad, national review in and outside of the Bureau of Indian Affairs. The review process was forwarded to Areas over the signature of a Departmental official. The review process and a technical analysis of the responses have been completed and will be available in report form.

It should be pointed out that throughout the evaluation and the guideline review process, there has been first-hand discussions with representatives of the American Indian Law Students and the National Indian Youth Council. Both have been involved in the evaluation and have had the continued review of the Solicitor's Office of the Department of the Interior.

The SRR Committee met in Albuquerque on February 4-5. They completed the program guidelines development and a SRR Section for the Indian Affairs Field Manual will now be written. The Field Manual release should go out to Area Offices sometime this spring.

Program Guidelines will be issued to the Field over the Commissioner's signature as a part of a Curriculum Bulletin. The Curriculum Bulletin will contain expanded discussions of several program aspects that cannot and should not be covered in the basic guidelines document.

An evaluation design for the project is also under development. It is anticipated that the initial evaluation of the implementation phase will start in November 1974. The focus of the evaluation will be to:

1. Determine the extent of the implementation in the Field;
2. Assess extent on student involvement;
3. Determine the extent and quality of the development of Student Bill of Rights;
4. Provide information for program improvement.

By the beginning of the School Year 1974-75, the following documents will be available which will report the development of the program:

1. Evaluation of SRR, Summer 1973;
2. A report on the review of the SRR, February 19;

3. Program guidelines and related information in SRR;
4. Indian Affairs Manual Section and SRR.

The above four will comprise the written record of the program. A fifth which will probably be available in the Spring of 1975 will be a second evaluation report.

An important aspect of the total implementation process has been the seriousness with which it has been undertaken. One of the findings of the informal survey was that there was a good bit of grantsmanship and unnecessary acrimonious squabbling associated with the mixture of actions that had been undertaken. Groups were bickering, fighting, and downright angry with one another about who was going to work in Bureau schools on SRR. There was so much infighting and bickering that it was impossible to say what benefits were going to accrue in behalf of Indian students. Thus far, the program has been taken out of the grantsmanship arena and has been placed on a solid footing so that the seriousness of purpose so necessary to success is clearly a part of the effort. There continues to be efforts to staff, resist, and divert the activities and these are primarily, as before, for grantsmanship purposes. People want BIA money and many assume that a good way to get it is to use SRR. If the current BIA effort can be maintained for another three months, the program will be well established and if there are contracts related to it, they can occur at the local level where basic responsibility for implementation is being placed. I will keep you apprised of progress and supplied with the reports as they become available.

Thomas R. Hopkins

APPROVED:

Acting Administrator, Indian Education Resources Center

41-455 O - 75 - 26

3/4/74

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

ANADARKO AREA OFFICE
P. O. Box 368
Anadarko, Oklahoma 73005

to: Commissioner Thompson

IN REPLY REFER TO:
Education

March 1, 1974

AIRMAIL

Memorandum

To: Commissioner of Indian Affairs

From: Assistant Area Director (Education), Anadarko Area Office
and Chairman, Student Rights & Responsibilities Committee

Through: Director of Indian Education Programs
Through: Acting Area Director, Anadarko Area

Subject: Student Rights and Responsibilities

On August 22, 1973, Assistant Secretary of Indian Affairs, William Rogers, assigned a Committee to develop Guidelines for the Student Rights and Responsibilities program of the Bureau of Indian Affairs. A copy of this memorandum is attached.

As Chairman of the Committee, I am pleased to report that the committee completed its work on the morning of Monday, February 25, 1974, and the attached is our report which is entitled, "National Guidelines for Student Rights and Responsibilities for the Bureau of Indian Affairs" and is presented for your approval.

Since the Committee was established by Secretary Rogers, I await your instructions as to whether to disband or continue the group.

S. Gabe Paxton, Jr.
Assistant Area Director (Education)

Attachment

Transmitted: MAR 1 1974

Charles L. Delaney
Acting Area Director

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

AUG 23 1973

Memorandum

To: Area Director, Navajo Area
Area Director, Anadarko Area
Acting Director of Indian Education Programs

From: Assistant Secretary for Indian Affairs

Subject: Student Rights and Responsibilities

The area of Student Rights and Responsibilities is a sensitive and crucial aspect of the Bureau's Education Program. Of all the various activities that go on in a school, it is perhaps the one that can become most controversial and problematic. In order to get the Bureau off on a good start and to clear the air, an evaluation of Student Rights and Responsibilities was conducted during the summer months. I am sure you are aware of this evaluation and contributed to it in one way or another. The purpose of the evaluation was to gather valid information that would serve as a foundation for developing guidelines and for shifting major program responsibility to Areas and Schools.

I have selected a committee to develop program guidelines and draft a Manual Section concerning Student Rights and Responsibilities. The committee is as follows:

Mr. Gabe Paxton, Chairman
Dr. Jerry Jaeger, Vice-Chairman
Miss Ramona Osborne, Member & Consultant
Dr. Henry Rosenbluth, Member & Consultant
Dr. Thomas Hopkins, Member & Consultant

The committee will meet in Albuquerque at the Indian Education Resources Center Conference Room starting at 1:00 P. M., August 29. The committee is to meet continuously until the program guidelines and the draft of a section for the Manual have been completed. It is anticipated that this can be accomplished by the suggested 9/1 deadline.

Your cooperation and able assistance is appreciated. If you have questions concerning arrangements for the meeting, please call the Evaluation Division, Albuquerque, New Mexico, 505/766-3314.

NATIONAL GUIDELINES FOR STUDENT RIGHTS AND RESPONSIBILITIES FOR THE BUREAU OF INDIAN AFFAIRS

FEBRUARY 1974

INTRODUCTION

The Constitution of the United States of America is a brief, concise document so carefully designed that after almost 200 years, it still remains the backbone of a Nation of 212 million people residing in 50 States, containing thousands of local governments. What makes this single, national code so versatile despite recurring political changes during this period is its universality in a Democratic Society and its sound principles of human rights. Although it has been challenged frequently, occasionally amended, and open to many interpretations, it permits great flexibility for local governments to operate according to the express wishes of their constituencies. It recognizes the concept of political self-determination where the majority rules, while at the same time protecting the basic rights of the individual. This document is vital to the Nation as the guarantor of personal freedom.

A vast conglomeration of statutes with their basic roots in the Constitution have mushroomed in response to the growing needs of the Nation. This array of legal structures on all levels of government has been created for the daily operation and routine of society and is supportive of the needs of people in all aspects of their relationships. There exists a fundamental set of principles which protects the individual citizen from the excesses and abuses of others or possibly of the government itself despite the filtration of laws down through the successive levels of government from the Constitution.

Throughout its long history in providing education programs for Indian students, the Bureau of Indian Affairs has sought to establish codes of behavior for both staff and students. These codes, incorporated into the Indian Affairs Manual cover a wide range of activities, from admission policies to rules against corporal punishment. Introduced at irregular intervals and

occasionally modified, they have never adequately dealt with the changing values of Society and, in particular, recent court decisions concerning the legal status of American youth.

National Student Rights and Responsibilities Guidelines, modeled on the concept of the Constitution, subscribes to the principle of local self-determination. It is meant to serve as a beacon lighting the way that Bureau school personnel must pursue in their relationship with students. It deals with a variety of issues not specifically considered by the Federal Constitution and upon which the courts have not yet agreed. The BIA, as well as the non-Bureau education systems, serve youth of all ages in a multitude of situations. Unlike the typical public system, however, the Bureau provides residence or boarding programs which operate on a 24-hour basis. Therefore, the Guidelines must also acknowledge special Bureau responsibilities protecting the health, safety, and welfare of its Indian student body. /

Committee on Student Rights
and Responsibilities

ADMINISTRATIVE LEVELS OF THE SRR GUIDELINES

National Level: The over-riding concerns at the National or Central Office are the design of a broad framework of Student Rights and Responsibilities and a continual review of legal opinions in this area. National Guidelines should be sufficiently sound in Federal law to permit the supporting levels in the Bureau to construct their programs without fear of constitutional violations in the conduct of school affairs. It should not interfere with matters that comprise the daily, routine operational responsibilities of the local administrators.

Area Level: The basic constitutional laws or relevant Federal court decisions frequently refer cases back to the local judicial system closer to the people. In like manner, Area Offices, and in some instances their Agencies, should furnish the greatest assistance to Indian communities. It is within the context of National Guidelines that the Area should operate not only as a monitor for Student Rights and Responsibilities but also as an assistant to the schools in the preparation of specific SRR codes appropriate to the region and desires of the people served.

Local Level: School staff encounter the many problems which are presented by direct contact with students. Here the specific details on Student Rights and Responsibilities must be planned and ultimately implemented using local personnel and available community resources. School administrators have a legal obligation, both to the Area and Central Offices, for conducting SRR programs with thoroughness and integrity.

The entire community is affected by policies cooperatively developed at this stage. Within the sound framework of National Guidelines, supported by Area and Agency staff, local people, students, and school personnel will be able to deal authoritatively with all matters related to Student Rights and Responsibilities.

THE LEGAL ROLE AND RESPONSIBILITIES OF THE SCHOOL AUTHORITIES IN THEIR RELATIONSHIPS WITH STUDENTS

The local school administrator, his staff, and school board should provide the student body with the best educational opportunities possible and protect the health and safety of each student. Pursuant to these goals, the school administrator must establish SRR policies according to local, State, and Federal laws relevant to the ages and maturity of students under his jurisdiction. In cases where students have reached legal majority, reasonable rules or regulations should be applied on an individual basis without disrupting the school's operation. In the cases of both minors and young adults, local school administrators should act in lieu of parents where necessary in the best interests of the individual as well as for the entire student body.

STUDENT RIGHTS AND RESPONSIBILITIES GUIDELINES

Inherent in the following Guidelines is the concept of local involvement for the development of specific SRR standards and their dissemination to the student population. It is based on law which is applicable Nationwide and conforms to the constitutional rights of Native American students as members of the American Society.

The Bureau of Indian Affairs proposes these major areas to be fundamental in all of its schools:

I. The Institution's relation to the student

(a) the right of access to education as prescribed by current BIA Manual criteria

(b) the right to be involved in affecting the total educational program

(c) the right to confidentiality of private or personal information

II. Student Affairs

(a) the right to freedom of association

(b) the right to be represented in institutional government through recognized student councils

(c) the right to freedom of inquiry and expression

III. Rules, Discipline, and Grievance Procedures

(a) Rules, discipline, and grievance procedures that are developed locally with the involvement of all parties concerned are the statutes which should prevail, provided they do not conflict with the fundamental rights set forth in the Guidelines, the Federal Constitution, or applicable codes of

respective states and communities in which the schools are located.

(b) Regulations on student behavior preferably should be formulated by a student-faculty-school board committee and finally approved by the school administration.

(c) Schools have the inherent authority to discipline students. Growing out of this is the requirement to publicize, in writing, rules and regulations which provide prior notice of what behavior is expected. Rules and regulations must be precise and specific rather than general, and must also be clearly explained. If constitutional rights are involved, rules must address themselves to each particular right and the body of law with regard to the exercise of this right. In order to maintain orderly administration, disciplinary action for minor infractions of a behavior code should bear no relation to course credits, marks, graduation, or similar academic awards, unless related to academic dishonesty.

(d) Administrative actions with regard to search and seizure in the schools should be reasonable and just so as not to conflict with the basic constitutional rights of individuals.

(e) Schools should have adequate procedures for the airing of grievances, in order to insure that legitimate complaints and concerns, whether from parents or students, will receive just consideration.

(f) The United States Supreme Court has affirmed that neither the Fourteenth Amendment nor the Bill of Rights is for adults

alone, and that no agent of the school or of a school board can compel a student to surrender his constitutional rights in exchange for the privilege of attending school.

STUDENT RIGHTS:

1. *Every student enjoys those rights secured to him or her by the Constitution and laws of the United States. These include:*
   - *(a) right to an education*
   - *(b) right to a reasonable degree of privacy and a safe and secure environment*
   - *(c) right to make his own decisions when applicable*
   - *(d) right to freedom of speech*
   - *(e) right to freedom of religion*
   - *(f) right to freedom from discrimination*
   - *(g) right to peaceable assembly*
2. *Every student is entitled to due process in every instance of disciplinary action which may lead to expulsion from the school. Due process shall include:*
   - *(a) right to a written notice of charges within a reasonable time prior to a formal hearing*
   - *(b) right to a fair and impartial hearing*
   - *(c) right to lay or legal counsel of his or her own choice (private attorney's fees to be borne by the individual)*
   - *(d) right to cross examine all witnesses*
   - *(e) right to a record of formal hearings of disciplinary actions*
   - *(f) right to administrative review and appeal*

STUDENT RESPONSIBILITIES:

The declaration of all human rights guaranteed by the Constitution implies corresponding responsibilities. If students as members of the class of "all human beings" deserve the protection of the rights, they must also accept the responsibilities.

(1) The student, in taking advantage of the right to an education, must regard the opportunity of obtaining that education as one of his duties to the community. It is the student's responsibility to attend all of his classes regularly.

The student who does not attend classes is failing in his duty to the community and may be in violation of local laws and also interfering with the rights of other students.

(2) The student's right to an education implies a responsibility to follow recognized rules and procedures. Any other method of seeking changes in the educational situation, or redress of grievances, is a violation of the rights of others. "The just requirements of ... public order" require that the student, just as any citizen, must inform himself of the proper methods and channels for complaints, and make use of them.

(3) Just as the student has the right to be protected from bodily harm inflicted by employees or other persons and from unreasonable search and seizure, so he has the responsibility to refrain from inflicting bodily harm on other students or other persons and to respect the privacy of their property and correspondence.

(4) A school, especially a residential school, is a community in miniature. It is the responsibility of the student to respond to community needs,

and obey community rules with regard to environmental health, order, and proper use of community property.

(5) The most basic human characteristics, those of reason and conscience, carry with them the responsibility to act toward all members of the community with respect and consideration.

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20242

IN REPLY REFER TO:

MAR 25 1974

Memorandum

To: Area Director, Anadarko Area Office
Attention: Assistant Area Director (Education)

From: Commissioner of Indian Affairs

Subject: Student Rights and Responsibilities

Your memorandum and report concerning Student Rights and Responsibilities has been received. Please be advised that the report is satisfactory and has been turned over to the technical staff of the Office of Indian Education Programs for finalization in manual form. It is my view that the report does meet the requirements of the assignment and makes it possible to develop guidelines and a manual section. With the submission of the report and after having discussed the matter with the Acting Director of Education, it seems appropriate to consider the work of the committee completed and to conclude that it is no longer needed.

I would like to commend you for an exemplary piece of work in a very sensitive and controversial area of concern. You have performed a singularly outstanding job of chairing the Committee and, additionally, please pass on my compliments to the group. I believe your work will go far in being of assistance to each individual student enrolled in Bureau schools.

Morris Thompson

Commissioner

cc:
Tom Hopkins

2/25

United States Department of the Interior
OFFICE OF THE SOLICITOR
ALBUQUERQUE FIELD OFFICE
ROOM 7102 FEDERAL BLDG. AND U.S. COURTHOUSE
P.O. BOX 1696
ALBUQUERQUE, NEW MEXICO 87103

IN REPLY
REFER TO:

February 22, 1974

Dr. William J. Benham
Director
Office of Education Programs
Bureau of Indian Affairs
Washington, D.C. 20240

Re: Student Rights and Responsibilities (62 IAM 9 Revision)

Dear Dr. Benham:

Pursuant to the request of your Albuquerque office, we have reviewed the proposed BIA Bulletin 62 dated March 1, 1974, on the foregoing subject. Mr. Barry K. Berkson of my staff has discussed this Bulletin in detail with Dr. Henry Rosenbluth of your Albuquerque office. We find the proposed Bulletin and Manual Revision to be legally sufficient, both as to form and content.

We agree with the concept of the document which subscribes to the principle of local self-determination, thus allowing school authorities at the local level to develop their own codes of student rights and responsibilities within the framework of the national guidelines.

Sincerely yours,

Lotario D. Ortega
Field Solicitor

cc: S. Gabe Paxton, Jr.
Dr. Henry Rosenbluth
A/Sol., Ind. Affs., Wash.
Att'n: James J. Clear
R/Sol., Tulsa

cc's to Butler, Cozzie, etc.

560

Code 500

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20242

IN REPLY REFER TO:

MEMORANDUM 7 March 1974

TO : Dr. W. Benham

FROM : Acting Deputy Commissioner of Indian Affairs

SUBJECT: Student Rights and Responsibilities

I have reviewed the bulletin regarding student rights and responsibilities and I have no particular comment. I am in complete agreement with the approach that specific student rights should be developed locally.

for Rollie Thue

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20242

IN REPLY REFER TO:

Office of Indian Education Programs

MAR 25 1974

Memorandum:

TO: All Area Directors
Attention: Assistant Area Director (Education)

FROM: Commissioner of Indian Affairs

SUBJECT: Student Rights and Responsibilities and Student Expulsions

The attached opinion of the Solicitor's Office pertains to the new guidelines in Student Rights and Responsibilities that have been developed and have been reviewed in draft form by Areas, schools, and tribal leaders. The new guidelines, which also include procedures for student expulsions, have received legal review from the Solicitor and must now go through the procedure for Federal rule making. This means that they will be published in the Federal Register in the immediate future and will subsequently become a part of the Bureau's procedures and CFR 25.

It should also be noted that reference is made to Manual Bulletin 62-1 issued December 26, 1973, with an expiration date of May 31, 1974. Your close attention to comments pertaining to this Bulletin is necessary and appreciated. If there are questions concerning it please contact your Field Solicitor or Indian Education Resources Center personnel at 505/766-3314.

Morris Thompson

Attachment

41-455 O - 75 - 27

United States Department of the Interior

MAR 14 1974
550

OFFICE OF THE SOLICITOR
WASHINGTON, D.C. 20240

IN REPLY REFER TO:

MAR 14 1974

Memorandum

To : Commissioner of Indian Affairs

From : Assistant Solicitor, Indian Affairs

Subject : Student Rights and Responsibilities

The proposed Student Rights and Responsibilities submitted by your memorandum dated March 4, 1974, have been reviewed and we conclude that the substantive provisions of Section 906, 62 BIAM, entitled Rights of the Individual comport with due process requirements. Sections 901-905 constitute general guidance which while not amiss as part of BIAM need not be included as part of regulatory material, which Section 906 contains. [It might be noted, however, that the first amendment to the Constitution provides that Congress shall make no law abridging the right of the people peaceably to assemble, not peaceable assembly as § 906.07 provides.] The same comment pertains to Responsibilities of the Student. [Although, it might be noted as well that with respect to § 907.03 a person should also be free from fear of bodily harm or conversely that a student must refrain from inflicting fear of bodily harm.]

Since the regulatory material in the Student Rights and Responsibilities involves substantive rulemaking, we must under Morton v. Ruiz (Supreme Court, No. 72-1052, decided February 20, 1974, 42 L.W. 4262) follow the Administrative Procedures Act, 5 U.S.C. §§ 552 and 553. Therefore, regulations should be published in the Federal Register requesting comments by interested persons to be made within 30 days, and after receipt of comments and revision, if warranted, republished with an effective date 30 days from the date of republication.

In light of Ruiz and the holding that any substantive rule-making not published in accordance with the Administrative Procedure Act may not affect anyone adversely, 5 U.S.C. § 552(a)(1), any outstanding disciplinary procedures - either those contained in 62 IAM, the Interim Procedures issued February 1, 1972, or the Revised Interim Procedures issued in December 1973 - although they may be substantively valid in affording minimal due process are invalid and ineffective since they have not been properly published. However, before the proposed Student Rights and Responsibilities are published and become effective, minimal due process must be afforded students in all disciplinary proceedings. We express no view on what precise procedures must be followed in the interim but those procedures must at least provide for notice to a student that he is charged with an infraction of a particular school rule for which the penalty for violation may result in an interruption of his education, that he may if he elects have a hearing by an impartial person or panel, and that he may be represented at that hearing by anyone of his own choosing.

Duard R. Barnes

Duard R. Barnes

CHAPTER 9
STUDENT RIGHTS AND RESPONSIBILITIES

Section 901. Rights Provided By Law. Student rights may be defined as encompassing all of those specific rights which our courts recognize as being vested in students. The source of these rights may be derived from applicable Federal, State, and/or local laws including regulations of the school.

.01 Guaranteed Rights Under The Constitution. The United States Supreme Court has affirmed that students are protected by the Bill of Rights and that no agent of the school can compel a student to surrender his constitutional rights in exchange for the privilege of attending school.

.02 Rights Imply Responsibilities. Students in BIA schools not only have rights afforded by the Federal Constitution but also those which have been developed cooperatively at the local school level. Cooperatively in this respect means the involvement of students and parents as well as school personnel. Rights imply corresponding responsibilities and each individual student must be responsible for the way he or she exercise his or her rights: he or she must accept the consequences of his or her actions as determined by law.

DRAFT

Section 902. Administrative Levels of Responsibility. The BIA recognizes the importance of local development of Rules and Regulations which are relevant to the particular needs and concerns of the students and community. The schools, in turn, must abide by the legal system based on the Federal Constitution and transmitted to the people through other levels of government.

.01 The Central Office Level. The Central Office is concerned with the development of Guidelines for Students Rights and Responsibilities programs that is consistent with the Constitution and relevant court decisions which have been handed down. It will undertake a continual review of the legal changes in this field and keep the Area Offices so informed.

A. The Central Office will maintain a current file of Student Rights and Responsibilities programs on each Bureau school.

.02 The Area Office Level. The Area Office and Agencies should assist local schools in developing their Student Rights and Responsibilities programs and serve as a monitor to assure their full compliance with the law on all levels.

.03 The Local Level. Specific Student Rights and Responsibilities Codes must be developed at the school level involving school personnel and students. The School Administrator has the legal obligation to see that the program is conducted with thoroughness and integrity.

DRAFT

Section 903. The Legal Role and Responsibilities of School Authorities. Bureau school authorities as representatives of the United States Government have been assigned the task of helping to shape the future of their students. They should undertake this responsibility with intelligence, dedication, and with respect for the rights of the Indian youth under their supervision.

.01 Objectives. School administrators are obligated to do the following:

A. Provide the student body with the best educational opportunities possible and protect the health and safety of each student.

B. Guarantee that Student Rights and Responsibilities agree with local, State and Federal laws.

C. See that Student Rights and Responsibilities are appropriate to the ages and maturity of the students.

D. Act in lieu of parents where necessary in the best interests of the individual as well as for the entire student body.

DRAFT

Section 904. The School and the Student: A Teaching - Learning Partnership. The process of education requires that both the teacher and the student be actively engaged. The Bureau sees this approach as the means to help encourage student creativity and self-direction; fundamental in its Rights and Responsibilities policies.

.01 The Institution's Relation to the Student.

A. The right of access to education as prescribed by current BIA Manual criteria.

B. The school must permit students to participate and affect the total educational program.

C. The school must not violate the student's right to confidentiality of private or personal information.

D. The school must permit freedom of association on the campus within the established school regulations.

E. The school must permit student representation in its governance through recognized student councils.

F. The school must permit freedom of inquiry and expression.

DRAFT

Section 905. Rules, Discipline, and Grievance Procedures. Rules, discipline, and grievance procedures are to be developed locally with the involvement of all parties concerned. (Administration, faculty, students and parents). They must be compatible with the Federal Constitution, or applicable codes of the respective states and communities in which the schools are located.

.01 Rules. Rules and regulations must be precise and specific rather than general, and must also be clearly explained. It is mandatory that the student body must receive prior notification of the rules and regulations which govern their behavior.

A. Administrative regulations with regard to search and seizure in the schools should be reasonable and just so as not to conflict with the basic rights of individuals.

.02 Discipline. Disciplinary actions for minor infractions of a behavior code should bear no relation to course credits, marks, graduation, or similar academic awards, unless related to academic dishonesty.

.03 Grievances. Schools should have adequate procedures for the airing of grievances, in order to insure that legitimate complaints and concerns, whether from parents or students, will receive just consideration.

DRAFT

Section 906. Rights Of The Individual. The following list is a clear statement of Bureau policy with regard to the treatment of the student in the entire BIA school system. It should also be considered binding on all non-Bureau schools which are funded under contract with the BIA.

.01 Right to An Education.

.02 Right To A Reasonable Degree Of Privacy And A Safe And Secure Environment.

.03 Right To Make His or Her Own Decisions When Applicable.

.04 Right To Freedom Of Speech.

.05 Right To Freedom Of Religion.

.06 Right To Freedom From Discrimination.

.07 Right To Peaceable Assembly

.08 Right To Due Process. Every student is entitled to due process in every instance of disciplinary action which may lead to expulsion from school. Due process shall include:

A. Written notice of charges within a reasonable time prior to a formal hearing.

B. A fair and impartial hearing.

C. Lay or legal counsel of the student's choice. (Private attorney's fees to be borne by the individual).

D. Examination of all witnesses.

E. Record of formal hearings of disciplinary actions.

F. Administrative review and appeal.



Section 907. Responsibilities of The Student. The declaration of all human rights guaranteed by the Federal Constitution implies corresponding responsibilities. Students must accept these responsibilities so as not to infringe upon the rights of others in the school community.

.01 Obtain An Education. The student must regard the opportunity of obtaining an education as one of his duties to the community.

A. It is the student's responsibility to attend all of his or her classes regularly.

.02 Follow The School Rules. The student must obey recognized rules and procedures developed by the school community, including those affecting environmental health, order, and proper use of school property.

.03 Practice Self-Control. The student must refrain from inflicting bodily harm on other students or other persons, and respect the privacy of their property and correspondence.

.04 Know Grievance Process. The student must inform himself or herself of the proper methods and channels for complaints, and make use of them.

DRAFT

Copies to Ent Division
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FEB 26 1974

United States Department of the Interior

OFFICE OF THE SOLICITOR
WASHINGTON, D.C. 20240

IN REPLY REFER TO:

FEB 2 1974

Memorandum

To : Commissioner of Indian Affairs

From : Associate Solicitor--Indian Affairs

Subject : Supreme Court decision in Morton v. Ruiz

On February 20, the Supreme Court held that the Bureau cannot deny general assistance welfare benefits to "full-blooded, unassimilated Indians living in a community near their native reservation, and who maintain close economic and social ties with that reservation." 1/ The Court set aside the Bureau's determination, based on the Indian Affairs Manual (66:3.1.4), that such assistance should be provided only to Indians residing on the reservation. The Court found that Congress had been advised in appropriation hearings over the years that BIA benefits were available to Indians "on or near reservations." After lengthy consideration of the hearings of these committees, the Court determined "that, for many years. . .the BIA itself made continual representations to the appropriations subcommittees that non-urban Indians living 'near' a reservation were eligible for BIA services."

The Court, however, rejected intimations in the decision by the Court of Appeals in this case that BIA services must be provided to all Indians "throughout the United States." (The lower court's holding was premised on a literal interpretation of the Snyder Act, 25 U.S.C. §13.) Accordingly, while the Court affirmed the ruling of the lower court, it did so on narrow grounds.

In addition to holding the substance of the BIAM provisions--i.e., the limitation to reservation residents--invalid because contrary to the intent of Congress, the Court was extremely

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1/ The plaintiffs, the Ruizes, are Papago Indians who had moved in 1940 from the reservation to Ajo, Arizona, some fifteen miles from the reservation to work in the Phelps-Dodge copper mine. They maintained close ties to the reservation, were full-blooded unassimilated Indians and spoke Papago, but little English. In 1968, Mr. Ruiz was unemployed by a strike and applied for the BIA General

critical of the Bureau's procedures in adopting eligibility criteria. The Court held that these criteria ought to be adopted in full conformity with the provisions of the Administrative Procedure Act, 5 U.S.C. §551 et seq., which include formal publication in the Federal Register and Code of Federal Regulations. 2/ Appropriate rule-making procedures ought also to be devised and regularly observed. 3/ The Court described the BIA Manual as "an internal-operations brochure intended to cover policies that 'do not relate to the public.'" The Court perceived a relationship between the need for procedural fairness in dispensing important substantive benefits and the trust obligations of the Bureau.

We are prepared to advise you or your staff in greater detail on the steps which should be taken to comply with the decision. 4/ The decision clearly requires the formulation of rules to clarify the category of "near-reservation" Indians. Substantively, the factors which could be taken into account would seem to include tribal membership, blood-quantum, proximity to the reservation, degree of social and economic ties and other "contacts" with the reservation, and residence on public domain or other trust allotments outside the reservation. Procedurally, it will be imperative that these and other Bureau regulations affecting important substantive rights should be adopted only after formal rulemaking

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2/ 5 U.S.C. §552(a)(1) reads:

> "Except to the extent that a person has actual and timely notice of the terms thereof, a person may not in any manner be required to resort to, or be adversely affected by, a matter required to be published in the Federal Register and not so published.

3/ Compare 5 U.S.C. §554.

4/ In this regard, it may be that the District Court on remand will retain jurisdiction to pass upon the validity of the regulations adopted in response to the decision.

procedures and that the ultimate regulations be published in the Federal Register and CFR. Although the program involved in this case was general assistance benefits, the Court's comments regarding procedural regularity have broader application with respect to Bureau programs, and we should jointly review the necessity for compliance with them in other BIA operations. This office will, of course, be pleased to provide you with counsel as substantive regulations are framed and as to the specific procedures required under the Administrative Procedure Act to adopt them.

Reid Chambers

Reid P. Chambers

Public Law 90-23
90th Congress, H. R. 5357
June 5, 1967

An Act

81 STAT. 54

To amend section 552 of title 5, United States Code, to codify the provisions of Public Law 89-487.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That section 552 of title 5, United States Code, is amended to read: Public information. 80 Stat. 383.

"§ 552. Public information; agency rules, opinions, orders, records, and proceedings

"(a) Each agency shall make available to the public information as follows:

"(1) Each agency shall separately state and currently publish in the Federal Register for the guidance of the public— Publication in Federal Register.

"(A) descriptions of its central and field organization and the established places at which, the employees (and in the case of a uniformed service, the members) from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions;

"(B) statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;

"(C) rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

"(D) substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency; and

"(E) each amendment, revision, or repeal of the foregoing.

Except to the extent that a person has actual and timely notice of the terms thereof, a person may not in any manner be required to resort to, or be adversely affected by, a matter required to be published in the Federal Register and not so published. For the purpose of this paragraph, matter reasonably available to the class of persons affected thereby is deemed published in the Federal Register when incorporated by reference therein with the approval of the Director of the Federal Register. Exception.

"(2) Each agency, in accordance with published rules, shall make available for public inspection and copying— Inspection and copying.

"(A) final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

"(B) those statements of policy and interpretations which have been adopted by the agency and are not published in the Federal Register; and

"(C) administrative staff manuals and instructions to staff that affect a member of the public;

unless the materials are promptly published and copies offered for sale. To the extent required to prevent a clearly unwarranted invasion of personal privacy, an agency may delete identifying details when it makes available or publishes an opinion, statement of policy, interpretation, or staff manual or instruction. However, in each case the justification for the deletion shall be explained fully in writing. Each agency also shall maintain and make available for public inspection and copying a current index providing identifying information for the public as to any matter issued, adopted, or promulgated after July 4, 1967, and required by this paragraph to be made available or published. A final order, opinion, statement of policy, interpretation, or staff manual Conditions.

or instruction that affects a member of the public may be relied on, used, or cited as precedent by an agency against a party other than an agency only if—

"(i) it has been indexed and either made available or published as provided by this paragraph; or

"(ii) the party has actual and timely notice of the terms thereof.

Exceptions.

"(3) Except with respect to the records made available under paragraphs (1) and (2) of this subsection, each agency, on request for identifiable records made in accordance with published rules stating the time, place, fees to the extent authorized by statute, and procedure to be followed, shall make the records promptly available to any person. On complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, has jurisdiction to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant. In such a case the court shall determine the matter de novo and the burden is on the agency to sustain its action. In the event of noncompliance with the order of the court, the district court may punish for contempt the responsible employee, and in the case of a uniformed service, the responsible member. Except as to causes the court considers of greater importance, proceedings before the district court, as authorized by this paragraph, take precedence on the docket over all other causes and shall be assigned for hearing and trial at the earliest practicable date and expedited in every way.

"(4) Each agency having more than one member shall maintain and make available for public inspection a record of the final votes of each member in every agency proceeding.

Nonapplicability.

"(b) This section does not apply to matters that are—

"(1) specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy;

"(2) related solely to the internal personnel rules and practices of an agency;

"(3) specifically exempted from disclosure by statute;

"(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

"(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

"(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

"(7) investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency;

"(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

"(9) geological and geophysical information and data, including maps, concerning wells.

"(c) This section does not authorize withholding of information or limit the availability of records to the public, except as specifically stated in this section. This section is not authority to withhold information from Congress."

Congressional reservation.

SEC. 2. The analysis of chapter 5 of title 5, United States Code, is amended by striking out: 80 Stat. 380.

"552. Publication of information, rules, opinions, orders, and public records."

and inserting in place thereof:

"552. Public information; agency rules, opinions, orders, records, and proceedings."

SEC. 3. The Act of July 4, 1966 (Public Law 89-487, 80 Stat. 250), is repealed. Repeal.

SEC. 4. This Act shall be effective July 4, 1967, or on the date of enactment, whichever is later. Effective date.

Approved June 5, 1967.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 125 (Comm. on the Judiciary).
SENATE REPORT No. 248 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 113 (1967):
Apr. 3: Considered and passed House.
May 19: Considered and passed Senate, amended.
May 25: House agreed to Senate amendments.

GPO 65-139

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
OFFICE OF EDUCATION PROGRAMS
Indian Education Resources Center
P.O. BOX 1788
ALBUQUERQUE NEW MEXICO 87103

IN REPLY REFER TO:

February 22,1974

Memorandum

To : Dr. Robert J. Rebert, Acting Chief,
Curriculum Development

From : Chief, Division of Program Review &
Evaluation

Subject : Student Rights and Responsibilities Curriculum Bulletin

As you are aware, the Committee on Student Rights and Responsibilities (SRR) has about completed its task and the next part of the project pertains to the development of a Curriculum Bulletin on SRR. The purpose of the Curriculum Bulletin is to provide technical information to Areas and schools who will have responsibility for developing details. You will find attached a copy of the proposed Guidelines. When available, I will also supply you with a copy of the proposed Manual Section.

In reviewing the comprehensive nature of the program, I would like to suggest that the following be Sections in the Curriculum Bulletin :

(1) Examples of Student Bills of Rights: Responsibility for the development of a Bill of Rights for Students has been placed on the schools. Examples of how other schools have handled it, including BIA and public, should be a part of the Bulletin.

(2) Curriculum Guide: The Guidelines imply that Student Rights and Responsibilities should be a part of the ongoing curriculum. It is in this part of the school program that the constitution should be taught and students involved in participating in the rights and responsibilities program.

A section relative to this will be extremely important to the teaching of the constitutional rights of citizens.

(3) Expulsion Procedures Examples: The Guidelines require that the general principles of fairness contained in the constitution be followed with regard to students discipline and grievances. Examples of how these have been handled at non-Bureau situations should also be included. The "Interim Procedures" should be an appropriate inclusion.

41-455 O - 75 - 28

(4) References: Several organizations have done excellent work relative to SRR. When possible some of these should be included verbatum. Most, however, will have to be referenced and paraphrased primarily because of copyrights. Among these are the NEA, NIYC, American Indian Law Students and a recent Harvard Education Review which deals with the rights of children.

(5) Program Guidelines: The Guidelines developed by the Committee should also be a part of the curriculum.

(6) Manual Section: The new Manual Section should also be included in the Curriculum Guide. This should be accompanied by any sort of pertinent review made by the Solicitor's office relative to the new Manual Section.

(7) Ms. Osborne's material:

The above arrangement is not an ordering of the various sections, nor does it limit the scope of the curriculum bulletin. Ms. Ramona Osborne is developing a section for the curriculum bulletin and though it is not discussed above, it will relate well to the total document. Proper placement of what she provides should be determined in relationship to the content. I will discuss this matter with you at your earliest convenience.

Thomas R. Hopkins

Thomas R. Hopkins

Enclosure: (1) Guidelines

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
OFFICE OF EDUCATION PROGRAMS
Indian Education Resources Center
P.O. BOX 1788
ALBUQUERQUE NEW MEXICO 87103

IN REPLY REFER TO:

February 28, 1974

Memorandum

To : Chief Division of Evaluation & Program Review

From : Chief, Branch of Curriculum

Subject : A Curriculum Bulletin on Student Rights and Responsibilities

In regard to your memo of February 22, in which you assign the task of organizing a committee for the above task to me, I'd like to respond. I will of course, accept the assignment, but I would like to interpret the memorandum and make some suggestions.

Although I sense the urgency of getting a committee organized to produce the Curriculum Bulletin on SRR, I am pleased you did not put a deadline on this. I will do everything in my power to expedite it, because I believe the content is practically all written. I trust you will advise us as to the appropriate printing facility when the time comes due to the fact that present systems seem to be inefficient.

I suggest the following members of the committee as a result of my study of the background documents you have shared with me.

Dr. Robert Rebert - Chairman, editor

Dr. Henry Rosenbluth

Ms. Ramona Osborne

Ms. Catherine Dumont

Dr. Gabe Paxton (or his delegate)

If you concur with those named, please inform me verbally and I will proceed to contact them through channels, get concurrence from their supervisors and bring them together for the first planning of the bulletin.

I commend all of you have done the yeoman's work in this project and I am honored to serve in the capacity you outlined. We will keep you informed regularly of the progress in this endeavor.

Robert J. Rebert

Robert Rebert
Chief, Branch of Language Arts

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20242

IN REPLY REFER TO:

Memorandum

To: Commissioner of Indian Affairs

From: Acting Director, Office of Indian Education Programs

Subject: Proposed 25 CFR 35 (Student Rights and Responsibilities)

The enclosed 25 CFR 35 proposal is submitted in accordance with the March 14 opinion of the Assistant Solicitor, Indian Affairs. This opinion states the following:

> Since the regulatory material in the Student Rights and Responsibilities (Guidelines) involves substantive rule-making, we must under Morton v. Ruiz (Supreme Court, No. 72-1052, decided February 20, 1974, 42 L.W. 4262) follow the Administrative Procedures Act, 5 U.S.C. 58 552 and 553. Therefore, regulations should be published in the Federal Register requesting comments by interested persons to be made within 30 days, and after receipt of comments and revision, if warranted, republished with an effective date 30 days from the date of the republication.

Since there has been considerable national interest in the matter of student rights and responsibilities in Bureau of Indian Affairs schools, it is our hope that this proposal will receive early consideration so that individual school programs may be ready for the fall session.

Enclosure

DRAFT

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 35]

STUDENT RIGHTS AND RESPONSIBILITIES

Establishment of New Part

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 F.R. 13938).

Notice is hereby given that it is proposed to add a new Part 35 to Subchapter E, Chapter I, of Title 25 of the Code of Federal Regulations. This addition is proposed pursuant to the authority contained in Title 5 USC Section 301 (80 Stat. 379, Act of September 6, 1966).

The purpose of this addition is to establish rules and regulations regarding the Rights and Responsibilities of students in Bureau of Indian Affairs schools.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed addition to Field Administrator, Indian Education Resources Center, Bureau of Indian Affairs, P. O. Box 1788, Albuquerque, New Mexico 87103, within 30 days after date of publication of this notice in the Federal Register.

It is proposed to add a new Part 35 to Subchapter E of Chapter I, Title 25 of the Code of Federal Regulations to read as follows:

Part 35 Student Rights and Responsibilities

March 29, 1974

Sec.

35.1 Purpose
35.2 Definitions
35.3 Local development of rules and regulations
35.4 Rights of the individual student
35.5 Responsibilities of the individual student
35.6 Responsibilities of school administrators
35.7 Teaching-learning relationship
35.8 Review of local programs
35.9 Program modification

AUTHORITY: The provisions of this Part 35 issued under 5 U.S.C. 301 (80 Stat. 379, Act of September 6, 1966.)



s
s35.1 Purpose

The regulations in this Part govern establishing programs of student rights and responsibilities in Bureau of Indian Affairs schools and such schools that are operating under contract with the Bureau of Indian Affairs.



§35.2 Definitions

As used in this Part:

(a) "Student rights" means all of those specific rights which the courts recognize as being vested in students. The source of these rights may be derived from applicable Federal, state and/or local laws and from the rules and regulations of the school.

(b) "Student responsibilities" means all the attitudes and behavior that students should demonstrate within the school community as responsible individuals seeking an education.

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§35.3 Local development of rules and regulations

Rules and regulations regarding student rights and responsibilities must be developed at the local school level cooperatively by school personnel, students and parents, where possible. These local rules and regulations must conform to the Federal Constitution, applicable school codes of the respective states and communities in which the schools are located, and the provisions of this Part 35.

Local rules and regulations must be precise and specific rather than general. They must be clearly explained in writing for review by the students before becoming effective.

In addition, the local rules and regulations must comply with these provisions:

(a) Disciplinary actions for minor infractions of a behavior code should bear no relation to course credits, marks, graduation, or similar academic awards, unless related to academic dishonesty.

(b) Regulations concerning search and seizure in the schools should be reasonable and just so as not to conflict with the basic rights of individuals.

(c) Schools should have adequate procedures for the airing of grievances, in order to insure that legitimate complaints and concerns, whether from parents or students, will receive just consideration.

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§35.4 Rights of the individual student

The Bureau of Indian Affairs recognizes that the individual student has the following rights:

(a) Right to an education.

(b) Right to a reasonable degree of privacy and a safe and secure environment.

(c) Right to make his or her own decisions when applicable.

(d) Right to freedom of religion.

(e) Right to freedom of speech.

(f) Right to peaceably assemble.

(g) Right to freedom from discrimination.

(h) Right to due process. Every student is entitled to due process in every instance of disciplinary action which may lead to expulsion from school. Due process shall include:

(1) Written notice of charges within a reasonable time prior to a formal hearing.

(2) A fair and impartial hearing.

(3) Lay or legal counsel of the student's choice. Private attorney's fees will be borne by the student.

(4) Examination of all witnesses.

(5) Record of formal hearings of disciplinary actions.

(6) Administrative review and appeal.

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§§35.4, continued

Non-Bureau of Indian Affairs schools which are funded under contract with the Bureau of Indian Affairs must also recognize these student rights.



§§35.5 Responsibilities of the individual student.

The declaration of all human rights guaranteed by the Federal Constitution implies corresponding responsibility. Students must accept these responsibilities so as not to infringe upon the rights of others in the school community. A student's responsibilities include:

(a) To regard the opportunity of obtaining an education as one of his or her duties to the community.

(b) To obey recognized rules and regulations developed by the school community, including those affecting environmental health, order, and proper use of school property.

(c) To refrain from inflicting bodily harm or fear of bodily harm on other students or other persons, and to respect the privacy of their property and correspondence.

(d) To keep informed of the proper methods and channels for complaints and make use of them.

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§35.6 Responsibilities of school administrators.

The responsibilities of the local school administrators in the Bureau of Indian Affairs are to:

(a) Provide the student body with the best educational opportunities, and protect the health and safety of each student.

(b) Guarantee that local rules and regulations regarding student rights and responsibilities agree with local, state and Federal laws.

(c) Insure that local rules and regulations regarding student rights and responsibilities are appropriate to the ages and maturity of the students.

(d) Act in lieu of parents where necessary in the best interests of the individual as well as the entire student body.

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§35.7 Teaching-learning relationship.

The process of education requires that both the teacher and the student be actively engaged. The Bureau of Indian Affairs sees this approach as the means to encourage student creativity and self-direction and as fundamental to the Bureau's policy on student rights and responsibilities. This policy includes the following:

(a) Providing each student an education as prescribed by current law.

(b) Allowing students to participate in and affect the total education program.

(c) Protecting the student's right to confidentiality of private or personal information.

(d) Allowing freedom of association on the campus within the established school regulations.

(e) Permitting student representation in school operations through recognized student councils.

(f) Permitting freedom of inquiry and expression.

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§35.8 Review of local programs.

The Area Director, through his education staff, will assist local schools under his jurisdiction in developing their student rights and responsibilities programs. He will also review local programs to assure their full compliance with the law and this Part 35.

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§35.9 Program modification.

The Commissioner will undertake a continual review of legal opinions and court decisions concerning student rights and responsibilities and inform the Area Offices. He will also maintain a current file of student rights and responsibilities programs on each Bureau school.

Commissioner of Indian Affairs

Certified to be a true copy
of the original

Certifying Officer



Senator ABOUREZK. The next witness will be in lieu of the Commissioner of Indian Affairs, Mr. Morris Thompson, who is unable to be here today, will be Mr. Raymond Butler who is Acting Director of the BIA Office of Indian Services and the Chief of BIA's Division of Social Services.

I have a letter from Mr. Morris Thompson outlining who will testify in his place and this letter will be offered into the record.

[The letter referred to follows:]

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Washington, D.C., April 8, 1974.

Hon. JAMES ABOUREZK,
Chairman, Subcommittee on Indian Affairs,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your April 3 letter inviting me to testify April 9 at your Subcommittee's hearings on Indian Child Welfare. As Mr. Broadhead of your staff has been advised, I regret that I have a prior commitment out of the city which will preclude my personal appearance on April 9.

Mr. Raymond Butler, the Acting Director of our Office of Indian Services and the Chief of our Division of Social Services, will be available to testify on my behalf on April 9. Mr. Butler's experience and background in the Bureau's social services program will enable him to be a most effective witness on the subject of Indian child welfare. He will be accompanied by Mr. William Benham, the Acting Director of our Office of Indian Education Programs.

In line with your invitations to the following Bureau employees, we have authorized them to travel to Washington and be available as resource witness at your hearings. Of course, Mr. Butler rather than these employees, will be my representative at the hearings. The other Bureau employees are Ms. Evelyn Blanchard (Assistant Area Social Worker, Albuquerque Area Office) and Mr. Joe Brennan (Superintendent, Ft. Totten Agency, North Dakota).

Again let me express my regret that I will not be able to attend the April 9 hearings on the important subject of Indian child welfare.

Sincerely yours,

MORRIS THOMPSON,
Commissioner of Indian Affairs.

Senator ABOUREZK. Mr. Butler, do you want to identify who is with you at the table?

STATEMENT OF RAYMOND BUTLER, ACTING DIRECTOR, OFFICE OF INDIAN SERVICES, CHIEF OF DIVISION OF SOCIAL SERVICES, WASHINGTON, D.C.

Mr. BUTLER. I have on my left Dr. William Benham, who is the Acting Director of the Office of Education, and Mr. Bob Bruce, who is in the legislative branch of the Bureau.

Senator ABOUREZK. We'd like to welcome you here today and ask you to proceed with your testimony.

Mr. BUTLER. Thank you, Mr. Chairman.

I might state, inasmuch as Ramona had the privilege of appearing here individually and she's not worried about her job; but inasmuch as I'm representing the Commissioner, it's maybe I who is worried about my job.

Senator ABOUREZK. If you get in trouble, let me know.

Mr. BUTLER. Mr. Chairman, we appreciate the interest of the Senate Subcommittee on Indian Affairs in behalf of some of the most needy of Indian children, those whose parents may not provide for their

care for many reasons, and for whom the Bureau of Indian Affairs arranges for their care in boarding schools, foster homes or specialized institutions. All of the Bureau of Indian Affairs child welfare programs in the broad generic concept of child care, are supplementary programs afforded to those Indian people not eligible for services from other Federal, State or private programs. For example, this Bureau's educational program is supplementary for those children who do not attend public schools or mission schools. This Bureau's social services program is likewise supplementary to the public assistance program of aid to families with dependent children, the supplementary security income program and also is not provided on reservations in States where the Indian citizen is eligible for such service programs on a equal basis with other citizens of the State. Also, this Bureau's law enforcement and judicial services program is supplementary to such programs as may be provided under tribal auspices, Federal law enforcement, the U.S. district courts and to those reservations under Public Law 280 where State jurisdiction prevails. It is this nature of this Bureau's programs of services in the broad field of child welfare that makes it extremely difficult, if not impossible in some instances, for us to obtain a complete and total picture of child welfare services for Indian people. By far, in terms of numbers, the largest child care program of this Bureau is the boarding school program. There were 33,672 Indian students attending boarding schools in 1973. There has been a noticeable decline in recent years in the boarding school attendance of Indian children. For example, in 1969 there were reported 36,263 Indian students attending boarding schools and as indicated there were 33,672 in 1973. This is a decline of 2,591 students in a 4-year period.

In the Bureau's social services program, it is the general assistance financial program which affords the major preventive child welfare services. This is a program which makes available financial assistance to needy Indian families who are not eligible for financial assistance from any other source to maintain their family life. In recent years, particularly since 1969, we have seen a dramatic increase from approximately $10 million to an estimated $47 million, in fiscal year 1974, with an associated increase in the number of persons receiving such assistance from 22,000 in 1969 to an estimated 75,000 in fiscal year 1974. Admittedly, the welfare economy is certainly not the best way of life; however, until such time as the reservation economy improves to support financially full Indian family life, we offer no apologies. However, in an attempt to offset what so many refer to as the inappropriate welfare economy, in concert with certain tribal governments, there was initiated in 1968 what is referred to as the tribal work experience program and training program. This is a tribal option program whereby tribes who wish to participate may do so; and on an individual voluntarly basis, exployable heads of household who are receiving general assistance may be assigned to a work opportunity. Today, there are approximately 30 tribes who have elected to participate, and it is estimated that approximately 4,250 heads of household will participate in work opportunity programs.

Specifically to the more narrowly defined child welfare programs, we have experienced since 1968 a relatively level number of approximately 3,300 Indian children, on an average monthly basis, receiving foster

home care or specialized institutional care. However, we have noted during this same period of time a steady decline in foster home care. In fiscal year 1969, 1,768 children received foster home care, to an estimated 1,525 this year. Conversely, we have noted an increase in the institutional care average monthly caseload, 750 in 1969 to an estimated 1,050 this year. We have also noted a decline in the mission school program from 668 in 1969, to 498 in 1973. The special needs caseload holds about level at 200.

The institutional care caseload increase is a direct result of various tribes developing on-reservation institutional care facilities such as the St. Michael's School for the Retarded on the Navajo, the Youth Home Facilities of the Indian Development District in Arizona, the Delta Marie Home on the Rosebud, Eastern Cherokee Children's Home, and many other tribal youth home facilities. Heretofore, the Indian child who needed special institutional care could only receive such care in facilities that were located several hundred miles away from the child's home reservation, and as such many Indian parents chose not to place their child in the institutional facility. Today, now that such resources are readily available on reservations, Indian parents are taking advantage of such specialized care for their children.

It is our firm belief that direct tribal involvement and local Indian community involvement is the essential ingredient for improved services for Indian people and their children. Recently in response to the North American Indian Women's Association, we cooperated with them in undertaking a Bureau-wide study for "A National Action for Special Needs of Indian Children Program." The Indian women conducted this survey type of study and have only recently presented us their report. It is with pleasure that we present to the committee a copy of the report.

Governor Lewis preempted my preceding statement of giving the first copy to the committee. We have some others here that we'll make available to you.

Also, illustrative of local community involvement, we are also pleased to advise the committee of the Cherokee Action for Foster Children Committee. This is a local action committee of the Eastern Cherokee Tribe of North Carolina in which they are promoting local community awareness in the recruitment of Indian foster homes and in the local development of the Cherokee Children's Home facility.

They have just recently undertaken the production of a film which illustrates their committee functions and of the Indian foster child program for the Eastern Cherokee people. It is their plan to make this film available to assist other tribal groups in gaining insight and understanding in the methods which they employed.

Again, Mr. Chairman, I wish to thank you for your concern for Indian children, and thank you for the concern of your committee; and Dr. Benham and myself would be pleased to answer any questions you may have.

Senator ABOUREZK. Thank you.

What does—when you say in your statement "tribal involvement," what does that mean to your division or to you?

Mr. BUTLER. The local Indian community level, it means to us an interchange, a communication between the people of that community

and their concerns and their interests on behalf of the children, and playing an advocacy role and working with them to try and carry out the goals that they wish to achieve.

Senator ABOUREZK. It doesn't mean that, for example, Indian control?

Mr. BUTLER. It may very well, sir; yes.

Senator ABOUREZK. Not always?

Mr. BUTLER. Not always, no.

Senator ABOUREZK. Have you been in the hearing room during the last 1½ days of testimony?

Mr. BUTLER. No, sir. I was not here yesterday.

Senator ABOUREZK. I wish you had been. Witness after witness got up and testified that non-Indian social workers have been totally ignorant of exactly what an Indian family is and what it ought to be; that their standards, referring to non-Indian social workers, the standards they develop on whether or not a mother was a good mother, or a parent was a good parent, were based upon their own standards, not on Indian standards, which are quite often different, and that as a result judging the fitness of the parent or the closeness of the family unit on their own standards, that they then took all kinds of illegal, deceptive actions to try to get Indian children away from their mothers.

There's repetitive testimony about that point, and the witnesses who testified said that the only way around this kind of practice was to allow the tribes, themselves, the Indians themselves, to decide who was fit and who wasn't fit, because they're the only ones who understand. I would hope that the Bureau of Indian Affairs could perhaps change its definition of Indian involvement to mean something more than stroking the Indians to allow them to say that you are now the toothless advisory committee and you're involved.

Is there anything wrong, really, with the Indians running their own foster child programs and adoption programs?

Mr. BUTLER. No, sir. I would certainly say there isn't. We are seeing more and more of this take place. I'll give you the example of the Zuni in Arizona where this is administered directly by the Indians themselves. The Cherokee Children's Home is being administered directly by the Indian people themselves, and we are providing the various means and vehicles for them to undertake this.

Senator ABOUREZK. What's wrong with that program being done nationwide on every Indian reservation?

Mr. BUTLER. I would suggest that there's nothing wrong with it, Senator. There is the question of the Indian people themselves desiring to undertake this.

In terms of the broad concept of the social services program of the Bureau today, we have about 40 percent of that program, in total, that is now under tribal administration. It varies with some of the contractual arrangements. Some of the tribes prefer not to take on certain aspects of the program at the present time, and they move into it later.

Senator ABOUREZK. Can you tell me which tribes you have offered this control of child welfare to and which tribes have turned it down and don't want to take control?

Can you tell me that?

Mr. BUTLER. Senator, the list of those that have taken on, in one particular form or another, would be quite extensive. I would be pleased to provide that for the record.

Senator ABOUREZK. I would like that. I wonder if you might put down precisely what the committee is asking for, that is the names of the tribes that you have offered complete control over their foster and adoptive child programs and the names of the tribes that told you they don't want to take control.

Mr. BUTLER. Senator, in terms of using the term "complete control," very few of them have moved in the direction of complete and total control. They have moved in the direction of providing facilities for their children, for the development of Indian foster homes.

Senator ABOUREZK. What I'm particularly concerned about, Mr. Butler, is the fact that many Indians yesterday and today recommended that that's the only way to get around the deception of the Indian family unit that's taking place, to allow the tribes to take control, the implication being that the BIA is not, or should not be allowed to take control, and I'd like to either have that charge refuted by the BIA or I would like to see where the charge is at.

I just want to make it clear what it is that we're looking for.

[Subsequent to the hearing, the following information was received:

Child Welfare Contract Programs

The principal child welfare contract programs are foster family care, group care, and specialized institutional care of Indian children who must, for various reasons, live away from their own home. The main reasons for providing substitute living arrangements are because of problems relating to dependency, neglect, delinquency and physical and mental handicaps of children for many of whom resources are lacking in their respective home communities. Attendent social service functions to the foster care contract program may include: foster home finding and placement, supervision of the placement on some reservations, provision of guidance and counseling services to families who may have a child or children in placement, liaison services between the child in placement and his family and consultation to the court of jurisdiction for the care and protection of children. For other contract programs, social service functions include the identification of handicapped children in need of special services, the arranging for such services, and liaison and follow up services to the family.

The following Social Services Child Welfare Contract programs are currently in force as identified on an Area basis. The Contractor is designated as T if Tribal government, TB if agency under a Tribal Board, P if under private non-government, and S if State.

Aberdeen:

FY-74 Contracts

Contractor TYPE	NAME	SERVICE	DELIVERY ON	DELIVERY OFF
S	S. D. State School for Retarded	Mental Retardation		X
S	S. D. State Welfare Department	Foster care and institutionalization		X
S	N. D. State Welfare Department	Group Care		X
P	Rosebud Mission	Group Care	X	
P	Charles Hall Youth Home	Group Care		X
P	Tribal Board Cheyenne River Youth Home	Group Care	X	
T	Fort Berthold Youth Home	Group Care	X	
T	Rosebud Youth Home	Group Care	X	
T	Standing Rock Youth Home	Group Care	X	
T	Turtle Mountain Youth Home	Group Care	X	

Including foster home care contracts, there are 19 off-reservation contracts and 17 on-reservation contracts excluding purchase order arrangements for service.

Current FY-74 Foster Care Placements

Total	On Reservation	Off Reservation
643	415	228

October 1972 study shows Bureau direct supervision foster family care program for 257 children.

Albuquerque:

FY-74 Contracts

TYPE	Contractor NAME	SERVICE	CONTRACT AMOUNT	DELIVERY OFF	DELIVERY ON
P	Inter Mountain	Delinquency behavior Mod.	106,092	X	
S	N. Mex. Sch. for Deaf	Resident Training	5,840	X	
S	N. Mex. Health and Social Services	Foster & Maternity Care	15,500	X	
S	N. Mex. Dept. of Hospital and Institution	Mental Retardation	38,172	X	
S	N. Mex. Sch. for Visually Handicapped	Residental Training	7,200	X	
P	St. Anthony Child Care Center	Resident Treatment	7,574	X	
P	Casa Angelica	Mental Retardation	9,000	X	
P	Chayen Institute	Resident Treatment	23,275	X	
P	Patterdell	Resident Treatment	5,400	X	
S	Utah State Industrial School	Correctional and Rehabilitation	27,000	X	

Current FY 74 Foster Care Placements

Total	On Reservation	Off Reservation
140	102	38

Current FY 74 Institutional Placements

Total	On Reservation	Off Reservation
83	0	83

Billings:

FY 74 Contracts

Contractor TYPE	NAME	SERVICE	CONTRACT AMOUNT	DELIVERY OFF	DELIVERY ON
T	Blackfeet Youth Home	Adolest. group care			X
T	Hope Ranch, Poplar, Mont.	Adolest. group care			X
P-TB	Mission Valley Receiv. Home	Receiving			X
P	Riverview Homes, Wolf Point, Montana	Group care			X
P-TB	St. Labre Mission, Mont.	Group care			X
P-TB	St. Michaels Youth Res. Residence, Wyo.	Group care			X
P	Bighorn Basin Children Cen.	Mentally Spec. Ed. Handicapped		X	
CITY	Billings Children's Rec.Hm.	Custodial care		X	
P	Cathedral Home for Child.	Res. treatment		X	
P	St. Joseph's Orphanage, Wyo.	Care & ed.		X	
P	St. Thomas Orphan Home, Mont.	Care		X	
P	Yellowstone Boys Ranch	Behavorial & Delinquent Res. treatment		X	

Current Foster Care Program - FY 74

Reservation	No. of Children in Placement On Res.	Off Res.	Total
Blackfeet	34	31	65
Crow	17	5	22
Flathead	27	7	34
Fort Belknap	1	7	8
Fort Peck	61	20	81
Northern Cheyenne	14	2	16
Wind River	50	16	66
Total	204	88	292

24 on reservation Foster Care contracts
11 off reservation Foster Care contracts

Number of Foster Care Homes = 165

On Reservation	Off Reservation	Indian Foster Parents	Non-Indian
111	54	102	63

Current FY 74 Institution Placements

On Reservation	Off Reservation	Total
60	38	98

Juneau:

FY-74 Contracts

Contractor TYPE	NAME	SERVICE	CONTRACT AMOUNT	DELIVERY OFF	DELIVERY ON
P	Henri House	Day Care M. R.	66,000		
P	Ketchikan Chu	Receiving	6,500	X	
P	Kate School	Cerebral palsy	6,500	X	
P	Jesuit Group Home	Group care	13,800	X	
P	Presbyterian Hospitality House		51,000	X	
P	Nome Receiving Home	Receiving	14,800	X	
P	Turning Point Boys Ranch	Group Care	36,800	X	
P	Alaska Children's Service	Group Care	35,200	X	
P	Alaskan Youth Village	Group Care	27,000	X	
P	Tribal Board Bethel Social Services	Day Care Foster Care	25,000		X
P	Salvation Army	Maternity	65,000	X	
P	Brown School		36,000	X	
P	Hope Cottage	M. R.	83,500	X	
P	Juneau Teen Home	Group	24,000	X	
P	Juneau Receiving Home	Receiving	13,000	X	
P	St. Mary's Mission	Boarding	2,500	X	
P	Utah School for Deaf and Blind	Training	9,000	X	

Current FY-74 Foster Care Placements

Total	In Indian Village	Urban Center
84	28	56

Current FY-74 Institutional Placements

Total	In Indian Village	Urban Center
73	6	67

There are 27 Indian/Eskimo foster homes.

In addition, there are ten tribal contracts for General Assistance programs which include child welfare components to handle emergency child care situations such as emergency receiving, day care and homemaker services. The largest such program is at Mekoryuk where the tribe runs its own foster care program.

Minneapolis Area

FY-74 Contracts

Type	Name	Service	Amount	On-R	Off-R
S	State Public Welfare Dept., Minnesota	Foster Care	$200,000	X	X
S	Iowa Public Welfare Dept.	Foster Care	12,000	X	X
T	Michigan Inter-Tribal Council	Social Services	22,000	X	

Current FY - 74 Foster Care Placements

Total	On Reservation	Off Reservation
32	11 (Indian homes)	19 (Indian homes) 2 (Non-Indian homes)

On State of Minnesota Contract, 53 Indian foster homes for children from reservations (200 children) and 6 of these homes are on-reservation. Additionaly, off reservation for off reservation homes, 29 Indian foster homes and 16 pending licensing.

Navajo:

Off Reservation

NDIVID.	TYPE	NAME	SERVICE
28	S	Ariz. State Dept. of Mental Retardation	Mental Retardation
26	S	Ariz. State Sch. for Deaf and Blind	Training
1	P	Chayen Institute	Residential Treatment
2	P	Devereaux	Residential Treatment
9	P	Hozohni	Mental Retardation
58	P	Los Lunas Hosp. & Training School	Mental Retardation
7	P	McKinley Manor Nursing Home	Mental Retardation
17	S	N. Mex. School for the Deaf	Residential Training
8	S	N. Mex. School for Visually Handicapped	Residential Training
1	P	Patterdell	Delinquency Services
4	T	IDDA Southwest Indian Youth Center	Delinquency
51	P	Valley of the Sun School	Mental Retardation
9	P	San Juan Manor Nursing Home	Mental Retardation
4		Crippled Children School	Physically Handicapped

On Reservation

27	P	Tribal Board Chinle Valley School for Children	Physically Handicapped and M. R.
2	P	Monument Valley Hospital	Mental Retardation
20	P	Navajo Board Navajo Children Rehabilitation Center	Educable M. R.
82	P	Navajo Board St. Michaels Association for Professional Education	Physically Handicapped and M. R.

Current Foster Care Placements FY-74

Total	On Reservation	Off Reservation
124	76	48 (4 w/Indian foster parents)

Institutional Placements

Total	On Reservation	Off Reservation
366	131	235

41-455 O - 75 - 30

Phoenix:

FY-74 Contracts

TYPE	Contractor NAME	SERVICE	CONTRACT AMOUNT	DELIVERY OFF	DELIVERY ON
P	Alexander Home for Girls	M.R. Group Home	15,000	X	
P	Ariz. Baptist Children's Services	Youth Home	55,000		X
S	Ariz. Chilsren's Home Association	Resident Treatment	10,000	X	
S	Ariz. State Dept. of Economic Security	Foster Care	280,000	X	
S	Ariz. State Dept. of Mental Retardation	M.R. Training		X	
S	Ariz. State Hospital	Resident Treatment		X	
S	Ariz. State School for Deaf and Blind	Resident Training		X	
P	Ariz. Ranch School	Resident Treatment	5,232	X	
P	Bureau of Catholic Missions	Day School Support Barbara Rockfeller		X	
P	Bethany Ranch Home	Nursing Care	6,000	X	
	Beverly Manor			X	
P	Bedell	Resident Treatment	11,400	X	
P	Brown Schools	Resident Treatment	3,500	X	
	Carson Convalescent Center				
P	Chazen Institute	Resident Treatment	80,000	X	
	Cocopah Tribe				
T	Colorado River Youth Home	Youth Home	19,800		X
P	Casa Linda Lodge	Maternity	8,157	X	
P	Circle S	Resident Treatment		X	
P	East Fork Luthern Nursery	Nursery	78,000		X
	Eliza Boni				
P	Florence Crittenton Services, Inc.	Maternity	36,000	X	
T	Ft. McDowell Soc. Svcs.	Social Services	26,294		
	Glen Acres Nursing Home				
	Gila River Indian Community - Halfway House				
T	Gila River Tribal Youth Home	Youth Home	95,182		X
	Gila River Tribe				
T	Gila River Summer Youth Program	Recreation	9,000		X
	Grand Oaks Health Care				
P	Hackberry Creek Ranch	Group Home	18,000	X	
P	Hacienda De Los Angeles	M. R.	13,000	X	
	Happy Happy Rest Home				
P	Holly Acres	Resident Treatment		X	

Phoenix (continue)

TYPE	NAME	SERVICE	CONTRACT AMOUNT	DELIVERY OFF	DELIVERY ON
P	Home of the Good Shepard	Resident Training	10,000	X	
T	Hopi Tribe				
P	Hozhoni Foundation for the Handicapped	M. R.	24,000	X	
T	Hualapai Tribal Work Experience Program				
T	Hualapai Tribal Children's Home	Youth Home	21,000		X
S	Idaho State School and Hospital	Treatment	11,500	X	
P	Indian Trails Mission, Inc.	Resident Care	25,517		X
T	Inter-Tribal Council of Nevada	Deliquency	715,942		X
P	Jewish Family and Children's Services	Indian Adoption Proj.	28,000	X	
P	Jane Wayland Child Guidance Center	Treatment and Day School	16,000	X	
P	Laveen Indian Children's Home	Resident Care	106,000		X
	Mary Robinson				
	Mother Warfield Nursing Home, Inc.				
	Mountain View Nursing Home				
S	Nevada State Welf. Div.	Foster Care	104,237		
T	Papago Tribe				
P	Patterdell	Resident Treatment	14,000	X	
	Royal Nursing Home				
	Ruby Mountain Manor				
T	Salt River Pima Maricopa Indian Community	Social Services	19,331		X
	Salt River Trader Contract (Smitty's Big Town and Jack's West End)				
T	Salt River Youth Home	Youth Home	25,000		X
T	San Carlos Apache Tribal Youth Home	Youth Home	18,543		X
	South Mountain Manor				
T	Southwest Indian Youth Center (IDDA)	Deliquency Behavior Modification	181,250	X	
P	Sunny Dale Child. Home	Resident Treatment	19,471	X	
	Tanner Chapel Manor Nursing Home				
	Trader's Term Concract for Subsistence Items				
	Fort Apache				
	Gila River				
	Hualapai				
	San Carlos				

Phoenix (continue)

TYPE	NAME	SERVICE	CONTRACT AMOUNT	DELIVERY OFF	DELIVERY ON
P	Tri-City Catholic Social Services	Foster Care	15,000	X	
	Tri City-Nursing Center, Inc.				
P	Youth Opportunities, Unlimited	Resident Treatment	35,000	X	
P	Valley of the Sun Sch.	M. R.	230,894	X	
P	Western Academy, Inc.	Resident Care	9,000	X	
P	Western Valley Youth Ranch	Resident Care	15,000	X	

White Mountain Apache Tribe

Current FY-74 Foster Care Placements

Total	On Reservation	Off Reservation
375	121	254

FY 74 Institutional Placements

Total	On Reservation	Off Reservation
281	134	147

Portland:

The Bureau has a limited child welfare program. States of Idaho, Oregon, and Washington operate their own programs with Bureau staff providing coordination in an advisory capacity.

State	No. of Indian children in foster care
Idaho	34
Oregon	61
Washington	654*
Total	749

On Reservation	Off Reservation
170	579

*In Washington a case reading for Indian children is now underway. All 654 cases are being reviewed with Indian community involvement.

Trends: significant downward trend in the number of young children needing placement.

In Oregon and Washington the states provide subsidies to the counties to enable foster care placements in the counties where placements originate. The problem is that sufficient enough homes cannot be found for the increasing number of teenagers needing placement.

Southeast:

FY-74 Contracts

Contractor TYPE	NAME	SERVICE	CONTRACT AMOUNT	DELIVERY OFF	DELIVERY ON
T	Cherokee Boys Club, Inc	Group Home	72,000		X
T	Mental Health Clinic, W. Carolina Univ.	Family and Child Therapy	23,407		X
T	Choctaw Grant Youth Devel. (HEW)	Cottage type	$225/mo.		X

Current FY-74 Foster Care Placements

Total	On Reservation	Off Reservation
41	27 Cherokee	14 Cherokee
73	66 Choctaw Indian Homes	7 Choctaw non-Ind
114	93	21 9 shared supervisor c

Current FY-74 Institutional Placements

Total	On Reservation	Off Reservation
0	0	0
30	24	6

Senator ABOUREZK. There was a second charge that was developed throughout the day yesterday and partially this morning, that welfare workers and social workers who are handling child welfare caseloads use any means available, whether legal or illegal, coercive or conjoling or whatever, to get the children away from mothers that they think are not fit. In many cases they were lied to, they were given documents to sign and they were deceived about the contents of the documents.

What has the Bureau of Indian affairs done to protect the rights of mothers and of children who suffer at these predatory welfare practices?

Mr. BUTLER. Senator, let me respond in this way, that we have encouraged the development of tribal ordinances, tribal codes. There are today existing some 90 courts on reservations and I believe our last count indicates that there are approximately 25 of the various tribes that have adopted protection ordinances in juvenile fields. That is, in terms of undertaking the legal responsibility. In terms of staff, I might say it is illegal for any Bureau social worker to take custody of a child unless he is provided with a judicial determination by an appropriate court or is provided with the voluntary written consent request of the parent or the legal guardian.

Senator ABOUREZK. We found, in our inquiry, to the credit of the BIA, social workers are much less predatory than county and State social workers or welfare workers and that essentially what's happening is that Federal money which is being funded to these county agencies are being used for them to take children away from Indian families.

My question, therefore, is what is the Bureau of Indian Affairs doing to protect the rights of those families, both mothers and children.

Mr. BUTLER. Senator, at anytime such a situation as that should come to the attention of any of our staff, it would be their responsibility for the protection of that family and that child to bring that to the attention of the proper enforcement officials.

Senator ABOUREZK. I understand that.

My question is, is the BIA doing anything to protect the breaking up of the Indian family unit through these practices, as I described?

Mr. BUTLER. In terms of our attempts to try and strengthen family life so that this will not occur in the first place.

Senator ABOUREZK. That is the only area that you're working in?

Mr. BUTLER. Most of the time, these kinds of things come to our attention via the backdoor, and then it's necessary for us to move in after the fact.

Senator ABOUREZK. Let me be more specific. Is the Bureau of Indian Affairs providing any attorneys for legal counsel of any sort to insure that the rights of these people are protected?

Mr. BUTLER. No sir, Senator, we are not, in terms of any ongoing practice.

Senator ABOUREZK. Second, is the BIA doing anything to have Health, Education, and Welfare withhold funds from State and local welfare agencies that undertake these practices that we talked about?

Mr. BUTLER. There are two situations, Senator, that I can recall where we participated in this appraoch. One was with respect to the State of North Dakota and one was with respect to certain actions that were taking place in the State of Arizona where we did partici-

pate with HEW in respect to regional offices in terms of considering the possibility of withholding Federal funds.

Senator ABOUREZK. Did you ever withhold Federal funds?

Mr. BUTLER. The closest that HEW came to withholding some funds was the case in North Dakota.

Senator ABOUREZK. But, they were never withheld?

Mr. BUTLER. They were given a 30-day notice, if I recall correctly, if they did not change their practices their Federal funds would be withheld.

Senator ABOUREZK. Does the BIA have a central office that would look out for the welfare of children, so far as their rights are concerned and the rights of parents are concerned?

Mr. BUTLER. We have three operating units, at the agency level, and then at the area level and here at the central office where we do have a child welfare specialist on staff.

Senator ABOUREZK. My question is do you have an office that looks after the rights of the mothers and the children in cases that we talked about?

Mr. BUTLER. In any of these cases that come to our attention, at this level, yes sir.

Senator ABOUREZK. Do you have anybody that's inquiring into whether or not these practices are occurring?

Mr. BUTLER. Yes; the field people do.

Senator ABOUREZK. They do go out and try to find out about these practices?

Mr. BUTLER. They do go out on the cases that are brought to their attention. I can think, Senator, of a recent case that was brought to our attention that was up here in Pennsylvania.

Senator ABOUREZK. How many people do you have doing this, that are looking into these abusive practices?

Mr. BUTLER. Senator, in terms of staff we have, and I might add, that in the majority of instances, most of our staff are working with diversified caseloads and that we do not have sufficient staff to say that this particular individual staff person is a child welfare worker exclusively. Most of the staff will carry a diversified caseload and at the present time, we have a staff of 273 throughout the Bureau of Indian Affairs.

Senator ABOUREZK. Social workers?

Mr. BUTLER. Yes, sir.

Senator ABOUREZK. That's not specifically child welfare workers?

Mr. BUTLER. No, sir, they're not.

We do have a child welfare specialist here in the Washington office, we have one in the Aberdeen office, we have one in the Muskogee office.

Senator ABOUREZK. In essence, what you're saying is you don't really have anybody who inquires into whether or not the rights of Indian families are being protected in these kinds of adoptions and foster home cases?

Mr. BUTLER. I'm saying, Senator, that we do not have staff that are specifically designated as child welfare workers; that all of our staff must assume a proportion of child welfare services on the reservations.

Senator ABOUREZK. Are you comfortable with the statistics that were provided to this subcommittee yesterday and today, such as the

fact that one out of every four Indian children in Minnesota in 1971 was put up for adoption?

Mr. BUTLER. No, sir, I'm not at all comfortable with that.

Senator ABOUREZK. How do you feel about it?

Mr. BUTLER. That's way too high. It may well be, Senator. I don't want to dispute the statistics but what I'm suggesting is that if that is the case, than something is very definitely wrong.

Senator ABOUREZK. Would the Bureau of Indian Affairs perhaps get into strengthening an office in the BIA for looking into whether or not the rights of Indian families are violated, and to increase the staff to a sufficient level to continue to look into it?

Mr. BUTLER. I would certainly concur on that, Senator, in that we are short staffed. There's no question about that.

Senator ABOUREZK. In that particular area?

Mr. BUTLER. In that area and I would also suggest that we are short staffed in another area, short staffed in terms of having casework services available to those families in terms of attempting to prevent the family breakup.

Senator ABOUREZK. Does the Bureau of Indian Affairs intend to do anything about that?

Mr. BUTLER. We have, on several occasions, attempted to secure more staff. There are two factors involved in securing more staff. One is in terms of the authorized positions and secondly, in terms of the employment ceiling that is afforded to the Bureau of Indian Affairs in being able to actually increase staff positions.

Senator ABOUREZK. Who put on the employment ceiling, is that OMB?

Mr. BUTLER. Yes, sir.

Senator ABOUREZK. Who decides on the number of authorized positions, is that OMB as well?

Mr. BUTLER. Yes, sir, and the budget process.

I might mention, too, Senator, that in 1971 I ran a count of our staff at that time. We had 253. The latest count, as of the end of February, we had 273, as I mentioned to you, which indicates that we've only been successful in securing 20 additional staff positions.

Senator ABOUREZK. Are there certain cases where child welfare money is given directly by the BIA to the counties?

Mr. BUTLER. Yes, sir; there is.

Senator ABOUREZK. What type of audits does the BIA perform to assure that these counties do not violate the individual rights of the Indian families?

Mr. BUTLER. Those are audited both internally as well as by survey and review of the department. And, Senator, we have had some GAO audits.

Senator ABOUREZK. Is there an audit that assures BIA that the rights of Indian families are not being violated with these moneys?

Mr. BUTLER. In terms of those children who may be certified to us for the reimbursement of foster care, it is our requirement to insure that those children are legally and properly placed before we pay for that care.

Senator ABOUREZK. What auditing procedures exist to insure that that's the case?

Mr. BUTLER. It occurs, Senator, in the certification process from each agency who certifies as to the eligibility of that child for the reimbursement.

Senator ABOUREZK. They certify it, but does anybody verify the certification?

Mr. BUTLER. The certification is verified at the area office level.

Senator ABOUREZK. How is that done?

Mr. BUTLER. By a case review of that particular, or individual child's case.

Senator ABOUREZK. Does the person who verifies it go out in the field to inquire?

Mr. BUTLER. Yes; they go out.

Senator ABOUREZK. In each of these cases?

Mr. BUTLER. In some instances, in terms of the initial certification there would be 100-percent review. In terms of some of the followup cases, I'm sure, because of the staff limitations, it may well be on a sampling basis.

I might add, Senator, that the county, one that I am particularly familiar with, is in the State of South Dakota, where we do reimburse the counties for those Indian children who are admitted to the Redfield State Hospital or the Custer facilities.

Senator ABOUREZK. But so far as adopting and putting out children, Indian children, in foster care, the area office—and I want to get this so that we understand it—the area office goes out into the field and looks into each case, where the BIA has furnished money for the county agency?

Mr. BUTLER. Or to the State, Senator.

Senator ABOUREZK. Or to the State and verifies each case, that the rights of those people were not violated?

Mr. BUTLER. That's correct. And, I might add at this point, you used the term "adoption and foster care."

The Bureau of Indian Affairs, Senator, is not an adoption agency. We have no statutory authority whatsoever as it relates to the adoption field. The basic role our social services staff may play in terms of an adoption proceeding, would be in serving with the respective tribal court who may have under consideration the adoption of an Indian child.

Senator ABOUREZK. What training does the Bureau of Indian Affairs offer to tribal judges in child welfare cases?

Mr. BUTLER. To the best of my knowledge, Senator, the Bureau of Indian Affairs does not offer any particular ongoing training programs to tribal judges.

There have been, on occasion, some training programs that have been conducted here and there. The only training program that I am aware of is that which was funded under the LEAA aid grant through the National Tribal Judges Associated for an ongoing training program.

Senator ABOUREZK. We've heard, in the past 2 days, testimony about children literally being stolen from their parents.

First of all, have you been aware of any of these cases?

Mr. BUTLER. Some of those cases, yes; they have been brought to my attention.

Senator ABOUREZK. What have you done about it?

Mr. BUTLER. In one case that I can recall, we made arrangements for the mother to go out and actually pick up her child and bring him back home.

Senator ABOUREZK. Is that in some of the cases or all of the cases that you know about?

Mr. BUTLER. In some of the cases that have come to our attention, Senator, we do not have jurisdictional authority in which we can move in on it.

Senator ABOUREZK. What would that be?

Mr. BUTLER. As the gentleman mentioned earlier this morning, where you have a Public Law 280 State, we have been extremely frustrated at times in situations of that kind, where we were concerned in terms of the legal involvement, and the legal entanglements that have taken place.

Senator ABOUREZK. In cases where you had jurisdiction did you go back?

Mr. BUTLER. We made a very serious attempt, sir, in every case. We now have one case before us that the latest word I have out of Rosebud, some of the relatives took the child down into one of the southern States, and were entangled there, where the relative placed the child with another family because she could not continue to take care of it.

The case has now been brought into the State courts there. The last information I had was that the child is still in the other State, has not been returned to Rosebud Reservation.

Senator ABOUREZK. In the Public Law 280 States where you have been aware of these cases, have you tried to find a lawyer for the family, to respresent them?

Mr. BUTLER. Yes, sir. In some instances we have.

Senator ABOUREZK. In all instances?

Mr. BUTLER. No, sir. I would not say in all instances.

In some instances we've been able to utilize the services of the Indian Legal Aid or various legal aid services, OEO services. In some instances we have been successful in getting private attorneys to undertake the situation, and in some instances, we have actually paid for the legal services.

Senator ABOUREZK. Are you concerned with the rights of Indian children in boarding schools?

Mr. BUTLER. Yes, sir; that I am. However, more specifically, I think Dr. Benham would be better qualified to advise the committee on that.

Dr. BENHHAM. Yes, sir. We're very concerned.

Senator ABOUREZK. I am concerned, myself, to know why no action has been taken on publication of the rights of Indian children in boarding schools.

Mr. BENHAM. Has any action been taken?

Senator ABOUREZK. Any publication of rights?

Mr. BENHAM. The information is ready for publicaton at the present time for the Federal Register to get comments and so on concerning the statement of rights as it has been developed.

Senator ABOUREZK. It's ready but has not yet been published?

Mr. BENHAM. Right.

Senator ABOUREZK. When were these drawn up?

Mr. BENHAM. They were completed, the manual release was completed, I would say, in the last 2 or 3 weeks, the proposed manual regulations.

Senator ABOUREZK. When will they be published in the Federal Register?

Mr. BENHAM. I would say within 2 or 3 weeks.

Senator ABOUREZK. Has the Bureau developed cost estimates for establishing a comprehensive day school education on the Navajo Reservation?

Mr. BENHAM. I think, Senator, and I'd like to mention for just a moment, the background from which I speak. For 6 years, until 1972, I was the director of schools on the Navajo Reservation and I think you will find an all out attempt has been going on out there since about 1953 or 1954 to make use of day school opportunities.

May I illustrate that with the boarding schools? At Lukachukai, Ariz., there is a boarding school that served, at one time, about 440 youngsters. At the present time, about half of the enrollment is the day enrollment. Attempts are being made constantly in other instances to serve youngsters who live where they can be served on a day basis at schools like the Lukachukai.

Senator ABOUREZK. Have you developed cost estimates for that?

Mr. BENHAM. Cost estimates for Navajos specifically in terms of day school opportunities?

Senator ABOUREZK. Yes.

Mr. BENHAM. No, sir. I don't have them.

Senator ABOUREZK. In other words, what you're saying is the Bureau has not developed cost estimates?

Mr. BENHAM. I'm saying it in a little different way. Yes; it has not developed the cost estimates but tried to develop a basis of opportunity.

Senator ABOUREZK. Has the BIA developed estimated costs for providing the local secondary high school education for the 6,000 Alaskan Native teenagers?

Mr. BENHAM. The Bureau of Indian Affairs in Alaska has been working with the State of Alaska, as well as the Native people in Alaska, to get a cost estimate on what it takes, No. 1, to fix up the Federal schools there, for turning over to the State, because this is what the people want, as well as to develop other opportunities.

Senator ABOUREZK. What about the local secondary high school education, is that included in your answer?

Mr. BENHAM. Yes, sir. It is.

Senator ABOUREZK. You sort of said that the BIA has, or is in the process of estimating cost for providing local secondary high school education for the Alaskan Indians?

Mr. BENHAM. With the State of Alaska, and working with the native people.

Senator ABOUREZK. Has the Bureau developed any comprehensive plan for submission to Congress to halt the unjust removal of children and to provide adequate prevention and rehabilitation programs for families such as the ones we have been talking about.

Mr. BUTLER. Senator, I am not aware that the Bureau has developed any broad comprehensive budget proposals in that area.

Senator ABOUREZK. How about any kind of budget proposals?

Mr. BUTLER. Budget proposals relative to the needs of the families with respect to financial assistance, relative to the individual needs of those estimated number of children who are in foster care and specialized institutional care. And, then of course, with respect to the educational program.

Senator ABOUREZK. You say that is what you're working on?

Mr. BUTLER. Those are the budget formulations of the Bureau, at the present time.

Senator ABOUREZK. So then, you don't have any kind of plan to submit to Congress with regard to halting the unjust removal of children from their families?

Mr. BUTLER. The Bureau of Indian Affairs has not, Senator. This, with the supplementary aspects of our program, could certainly go far beyond the Bureau's program planning. I suggest it would go well into the HEW, well into the Justice Department planning as well.

Senator ABOUREZK. I understand that in 1971, needs assessment for boarding schools, on a school-by-school basis was set up in order to develop objectives.

Why has this program been delayed?

Mr. BENHAM. You will find that the needs assessment approach has been utilized in individual instances.

May I illustrate by going back to Alaska?

Part of the work that has been done, has been this last year working with the State of Alaska and working with the Native people of Alaska, and working with the Bureau of Indian Affairs in Alaska, and I'm talking from the Washington Office standpoint, in terms of an Alaskan needs assessment.

There have been many evaluations of individual schools, secondary schools, and this always starts with a needs assessment as a way of determining how the program is being carried and what remains to be done and so on.

I certainly agree that the needs assessment is vital, and hopefully it's just a part of the program. If there's any kind of plan that's being carried on, or any kind of evaluation that's being done, you have to start with a needs assessment.

Senator ABOUREZK. Why has it been delayed?

Mr. BENHAM. I don't think it has been delayed, Senator. I think this is part and parcel of the package of work that has been done in the schools and the work that the schools themselves are doing in terms of curriculum, planning, and so on.

Senator ABOUREZK. Has it been completed?

Mr. BENHAM. No, sir.

Senator ABOUREZK. But, it's been going since 1971.

Mr. BENHAM. I don't think, seriously, that it will ever be completed because needs change and we need a constant assessment of the needs of youngsters in order to stay abreast of how we can offer relevant curricular items.

Senator ABOUREZK. If it's never going to be completed, why start it?

Mr. BENHAM. Maybe I didn't do a very good job of saying it, except to say that at any time you are planning a program, or you are

evaluating a program or doing anything in an educational program, this becomes the basis for the offerings and the assessment of the needs of the situation and the needs of the youngsters and the needs of the community in which the school is located.

Back in 1964, I'll illustrate with Wingate High School, a very thorough needed assessment involving the parents, the students, the staff of the school, was undertaken. It became the basis for a program that was planned at the new Wingate High School for 1,000 youngsters.

The program was very successful, but in less than 5 years, another assessment needed to be taken at Wingate and the process started over again. This is the way you revitalize an educational program. It's not a static thing, it's an ongoing thing; that's what I'm trying to say.

Senator ABOUREZK. Mr. Blackwell testified earlier today that BIA spends over $1 million a year to support the care of the Indian children placed in non-Indian foster homes in Minnesota.

First of all, do you agree with that figure?

Mr. BUTLER. No, sir. It's not all BIA.

Senator ABOUREZK. How much do you spend in Minnesota on placing Indian children in non-Indian foster homes?

Mr. BUTLER. Senator, the total allotment to the Minneapolis area social services, is less than $1 million itself.

For example, in fiscal year 1974, the grand total in the Minneapolis area social services allotment was $939,300.

Senator ABOUREZK. What was that specifically for?

Mr. BUTLER. That was for the total social services program for the Minneapolis area.

Senator ABOUREZK. What part of that was for foster care?

Mr. BUTLER. Senator, I'm sorry I don't have the details of that here. It would be, perhaps, in the neighborhood around $200,000, or $250,000.

Senator ABOUREZK. I have here a contract between BIA and the State of Minnesota for $260,000 for Johnson and O'Malley money. Would that be the figure that you're thinking of?

Mr. BUTLER. It would be a Johnson and O'Malley authorized contract, Senator, but not in concepts of education.

It could well be for the foster care. That could be the approximate amount.

Senator ABOUREZK. We have this contract and I'm curious to know if there are any other funds beside this particular JOM contract, that pays for foster care?

Mr. BUTLER. Senator, this is the copy of last year's, the fiscal year 1973, and this would be the foster care contract.

Senator ABOUREZK. Is there any more, beside that?

Would there be any more money in addition to that to be used for foster care?

Mr. BUTLER. In the State of Minnesota, or in the Minneapolis area?

Senator ABOUREZK. In the State of Minnesota?

Mr. BUTLER. There would be a little in the State of Minnesota that would go to the Red Lake Reservation where we provide the direct services in the State of Minnesota.

Senator ABOUREZK. Would you identify other States where the BIA supports Indian foster care, similar to this?

Mr. BUTLER. There is a contract in North Dakota, South Dakota. There is a small State contract in Iowa. There is a contract with the State of Arizona, and the State or New Mexico.

There is a contract with the State of Nevada.

Senator ABOUREZK. We've had testimony in the last day and a half from Indian parents, from psychiatrists, psychologists, people who have worked with Indians and Indian families who say that there really is nothing more destructive of an Indian family than to remove an Indian child from the wormth of its mother, whether or not the mother might be an alcoholic or use alcohol to excess or whatever, and to place that child in a non-Indian foster home where alcohol may not be used, there's absolutely no parental warmth and that this virtually destroys the character of the Indian child.

I assume that you're aware of a lot of these cases because you've testified that you were aware of some cases where children were taken out of their homes.

I'm curious to know why BIA continues to provide funds for these purposes and why the BIA doesn't provide those funds to Indian parents if there is a real need to take a child out of the home. Why not put it in an Indian home where he can grow up as an Indian instead of as a white?

Mr. BUTLER. Senator, let me respond in this way. As far as the Bureau of Indian Affairs is concerned, it has been, and continues to be, our objective goal to find and recruit available Indian foster homes for the placement of Indian children.

I might advise the committee, if I may, that in one of our most recent studies, we do have some preliminary data, which in October of 1972, as far as BIA foster home placements are concerned, we had available 471 foster homes, of which 367 of these were Indian foster homes, 104 of them non-Indian foster homes.

Of the Indian foster homes, 344 of those were on reservation, 23 off the reservation. Of the non-Indian, there were 86 of those foster homes that were on the reservation, and 18 off the reservation.

It is certainly our intent and goal, and that we can find an Indian foster home, and there are more and more of these taking place that we're coming up with; this is our goal for placement.

Senator ABOUREZK. What funds are available from HEW for foster care of Indian children?

Mr. BUTLER. There are two types of sources, Senator. One is through the child welfare foster placement program, and the second is through the, what is known as the aid to families with dependent children foster care program.

Senator ABOUREZK. Do you think the BIA should continue to finance foster care payments when other Federal funds are available for this purpose?

Mr. BUTLER. Senator, it could be viewed, I think, in this way, that there are some situations, and as I mentioned earlier, our program is only supplementary, where the other programs would not meet the needs of the Indian children on the reservation.

This is why, Senator, we still have the supplementary child welfare social services program.

Senator ABOUREZK. In this contract, that I just showed you, subsection C reads: "that the determination of need for foster care",

and this is in the Minnesota-BIA contract, "is going to be based on the same criteria as those applied to any other citizen in the State of Minnesota".

Which means that apparently when the BIA puts out a contract like this, they are willing to go along with the practices carried on, in spite of the fact that the BIA is aware of these practices carried on by the State and local welfare agencies, which totally disregard that Indians are Indians and they are not whites and they are not to be made into whites.

Mr. BUTLER. Senator, I would suggest that in the State of Minnesota this is probably brought about by the fact that except for the Red Lake Reservation, the State of Minnesota is a 280 State.

If we were to require requirements beyond those which the State welfare department has established in the State of Minnesota, we probably would not be able to get any services from them under the jurisdictional question.

I know that there has been some consideration given. There are some of the Indian groups in the State of Minnesota that have approached our office in Minneapolis on the possibility of undertaking this type of program, and we are, at the present time, giving them full consideration and assistance in the possibility of undertaking this contractual agreement.

Senator ABOUREZK. If BIA is concerned about whether or not it has jurisdiction over Indians in Minnesota, I would suggest that it doesn't really have anything to do with the fact that when the BIA is furnishing money to a State, it has every right, whether or not it's a 280 State, to insist upon the conditions on which that money will be given in the State, and if the State didn't want to live up to that condition, it wouldn't receive the money.

That goes on all the time, as you know in Federal funding practices. It has nothing to do with whether or not the Federal Government has jurisdiction over Indians or Indian lands.

Isn't it really the case of whether the contractor States are receiving preferential treatment with BIA in the area of foster care, over and above what Indian tribes might get from the BIA?

In other words, aren't you prefering the State of Minnesota over Indians in Minnesota?

Mr. BUTLER. Senator, as I mentioned earlier, that some of the Indian groups in Minnesota have been considering the possibility of undertaking this contract, and we have been working with them to do so.

If we were to have heretofore required above and beyond special standards, we would perhaps not have had the services available unless it was available through Congress to appropriate the additional funding for us to do the job.

Senator ABOUREZK. Do you intend to actively go out and recruit Indian people to take over this foster care program in Minnesota?

Mr. BUTLER. As I mentioned earlier, Senator, the only service area which we have in the State of Minnesota is on the Red Lake Reservation. If we would go out throughout the reservations in the State of Minnesota, we would have to have additional staff to do that.

Senator ABOUREZK. What about contracting out to Indian people?

Mr. BUTLER. This would be possible.

Senator ABOUREZK. Would you need any extra staff in order to do that?

Mr. BUTLER. The Indian people would need the staff.

Senator ABOUREZK. But if you contracted with them, couldn't they take care of that?

Mr. BUTLER. They could.

Senator ABOUREZK. If you contracted with them, couldn't they take care of that?

Mr. BUTLER. They could.

Senator ABOUREZK. Do you intend to contract with the Indian people rather than the State of Minnesota?

Mr. BUTLER. Any of those who have demonstrated an interest, we certainly would, sir.

Senator ABOUREZK. If they contact you, you would then certainly show them preferential treatment over the State, wouldn't you?

Mr. BUTLER. Sure.

Senator, if I may, I believe the committee has heard from the Wisconsin proposed program. I've had the pleasure of having two or three sessions with these people personally in addition to our own staff in Wisconsin, and this is the kind of thing that I think that the Indian people are wanting to move into. It is certainly the type of program concept that the Bureau of Indian Affairs is desirous of assisting and advocating for them to move into.

I think that some of my discussions with the people there in Wisconsin, they too experience the frustration of being able to acquire qualified Indian staff. It's a simple fact of reality, Senator, that there are not a sufficient number of Indian social workers available that are trained. It's my pleasure to advise the committee that we have now underway, at the Haskell Indian Junior College, a community services associate degree training program which is on the lines of a social work curriculum.

At the present time, we have 16 Indian students that are enrolled in this program. We are hoping to move forward. There's an estimated 25 students who have indicated their interest for next year.

We have designed a training program so that it will not only serve as a possible terminal educational experience of the Indian student receiving the 2 years associate degree, but also affording him the basis for moving onto the bachelor's degree, and if he so desires, to move on to the master's degree program.

Senator ABOUREZK. We've had testimony here that in Indian communities throughout the Nation there is no such thing as an abandoned child because when a child does have a need for parents for one reason or another, a relative or a friend will take that child in. It's the extended family concept.

I'm not certain, Mr. Butler, that degrees in social work are going to do any more for the Indian people than they did for the white people. I'm not certain it would not be far preferable to allow the Indian community itself, rather than to try and break up that community, to allow that community to contract with the BIA for foster care, for adoption, because I really and seriously believe that they know much better what is in their best interest than we do, and they continually say that. I don't know why BIA and everybody else continues to ignore that request.

It would seem to me that if the BIA Department of Social Services is really to do its job, which is that of looking our for the Indian people, they would then allow the Indian people to take care of their own interests.

I want to thank you very much for your testimony and for coming up here today, and I would like to have the staff contact you, but we want to get HEW and you, if possible, together with us either today or tomorrow, as soon as we can.

I don't think we can let some of the practices heard about today to continue any longer. We have to do something together to try and stop them.

I appreciate your testimony and your appearance.

[Whereupon, at 1:05 p.m. the subcommittee adjourned.]

APPENDIX

Under Authority Previously Granted, the Following Statements and Communications Were Ordered Printed



Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refusud to aid them.

Oneida Tribe of Indians of Wisconsin, Inc.

Oneida
ROUTE 1



Wisconsin
54155



UGWA DEHOLUH YATEHE

Because of the help of this Oneida Chief in cementing a friendship between the six nations and the Colony of Pennsylvania, a new nation, the United States was made possible.

April 3, 1974

Senator James Abourezk, Chairman
Sub-Committee on Indian Affairs
3106 Dirkson Senate Office Building
Washington, D. C. 20510

Dear Senator Abourezk:

The Oneida Tribe of Indians of Wisconsin are submitting the attached statement to be entered into the records of the hearings to be held on April 8 and 9 on issues relating to Indian child welfare.

Your attention to this matter will be greatly appreciated.

Sincerely,

Norbert S. Hill
ad

Norbert S. Hill
Tribal Manager

NSH:AD



Onaidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.

Oneida Tribe of Indians of Wisconsin, Inc.

Oneida ROUTE 1 *Wisconsin* 54155



UGWA DENOLUN YATEHE

Because of the help of this Oneida Chief in cementing a friendship between the six nations and the Colony of Pennsylvania, a new nation, the United Status was made possible.

STATEMENT - INDIAN CHILD WELFARE

INDIAN CHILD WELFARE IS A SUBJECT THAT SHOULD BE BROUGHT TO THE ATTENTION OF ALL OF THE PEOPLE WHO HAVE ENOUGH IMPETUS TO CORRECT THE EXISTING INEQUITIES. FOR LONGER THAN I CARE TO REMEMBER THE GROSS MISTREATMENT OF INDIAN CHILDREN HAS BEEN A FLAGRENT VIOLATION OF HUMAN RIGHTS. EACH STATE HAS ITS OWN LAWS AND REGULATIONS WHICH SPELL OUT IN A WIDE DEGREE DIFFERENCES WHO CAN BE HIS BROTHERS KEEPER, AND FOR HOW MUCH. THE DOLLAR INCENTIVE IS THE ROOT OF A GREAT MANY EVILS. THE BONDAGE TYPE OF CARE OFTEN AFFORDED THESE CHILDREN MAKE THEM NOTHING MORE THAN A VASSEL OR SERF. INDIGNITIES INFLICTED ON A PEOPLE WHO ARE RETICENT BY NATURE LEAVES ITS INDELIBLE MARK, MORE SO THAN IT WOULD TO AN EXTROVERT.

STATE BABIES IN MANY INSTANCES LOOSE THEIR TRIBAL IDENTITY, THEIR HERITAGE, AND THEIR SPECIAL STATUS AS AN INDIAN. IT IS SAD TO THINK THAT A PERSON WHO MIGHT HAVE BEEN AN EXCELLENT TRIBAL LEADER WAS, BY WELL MEANING PEOPLE, PROGRAMMED INTO ANOTHER CULTURE TO BECOME A MISFIT. BEING AN INDIAN IS FOREVER AND THE DOMINANT SOCIETY MUST MAKE SOME CLEAR CUT ADJUSTMENTS.

IN RURAL AREAS THE COUNTY AND STATE OFFICIALS IN A GREAT MANY CASES ARE NOTHING MORE THAN LITTLE CAESARS WHO CONTROL THE DESTINY OF THE LESS FORTUNATE.

SOME CASES IN POINT ARE AS FOLLOWS:

A. TWO SISTERS, 15 AND 16, WERE PLACED IN A FOSTER HOME WHERE THE FOSTER FATHER MOLESTED THE 16 YEAR OLD. SHE RAN AWAY SEVERAL TIMES AND WAS THEN PLACED IN A STATE INSTITUTION. SHE REMAINED THERE UNTIL SHE WAS EIGHTEEN, WHEN SHE WAS RELEASED SHE HAD NO ONE TO TURN TO FOR

GUIDENCE; AGAIN SHE ENDED UP IN A GROUP HOME WITH AN ILLEGITIMATE CHILD. THE CHILD WAS PLACED IN A FOSTER HOME IN ANOTHER STATE.

B. AN INCIDENT WAS WITNESSED WHERE A FOSTER FATHER WAS OUT LATE AT NIGHT LOOKING FOR A 12 YEAR OLD GIRL WITH TWO DOGS AND TWO OF HIS SONS. SHE HAD ACCORDING TO HIM RUN AWAY. HIS LAUGUAGE IN DESCRIBING THE GIRL WAS MOST DESPICABLE.

C. A GRANDMOTHER WHO TRIED TO KEEP HER GRAND CHILD WHILE HER DAUGHTER WAS IN A REHABILITION CENTER HAD THE CHILD FORCABLY TAKEN FROM HER. THE CHILD WAS PLACED IN A FOSTER HOME FOR A FEE.

D. A 10 DAY OLD BABY WAS PLACED WITH RELATIVES WHILE THE MOTHER SOUGHT EMPLOYMENT. AFTER THREE MONTHS THE DEPARTMENT OF SOCIAL SERVICES REMOVED THE BABY. THE PEOPLE THAT HAD GIVEN CARE TO THE BABY WERE TOLD, "THAT BECAUSE OF THE BABY'S INDIAN BACKGROUND IT WOULD HAVE TO BE PLACED IN A SECOND RATE HOME."

INDIAN PEOPLE HESITATE TO ASK TO HAVE THEIR HOMES LICENSED.

ONCE A CHILD IS PLACED IT APPEARS THAT THEY BECOME A NUMBER ON A SOCIAL SERVICE PUNCH LIST.

STEPS MUST BE TAKEN TO TRAIN INDIAN PEOPLE TO OPERATE A FOSTER HOME, OR GROUP HOME. ALSO, TO TRAIN INDIAN PEOPLE TO BE A LIAISON BETWEEN THE INDIAN FOSTER HOMES AND THE TRIBE, COUNTY, STATE, OR FEDERAL AGENCY. IT IS EXTREMELY IMPORTANT THAT INDIAN VALUES BE PRESERVED AND HONORED.

TRADITIONALLY INDIAN PEOPLE ARE FLEXIBLE, SHARING, PATIENT, AND PASSIVE. THEY RESPECT THEIR ELDERS AND TEND TO LIVE IN THE PRESENT. NO OTHER GROUP IN THE WORLD IS AS UNIQUE AS THE NATIVE AMERICAN. HIS TRUST RELATIONSHIP AND TREATY RIGHTS WITH THE FEDERAL GOVERNMENT ALONG WITH HIS INHERENT SOVEREIGNITY GIVE HIM A STATUS NOT ALWAYS CLEARLY UNDERSTOOD.

CONTRIBUTIONS OF THE INDIAN TO MODERN CULTURE ARE TOO NUMEROUS TO MENTION HERE.

INDIAN TRIBES ARE APPROPRIATE ORGANIZATIONS TO ADMINISTER CHILD WELFARE AND OTHER SOCIAL SERVICES. FEDERAL LAW MUST BE CHANGED TO ALLOW SUCH RECOGNITION.

SINCERELY,

Norbert S. Hill ad

NORBERT S. HILL, TRIBAL MANAGER
ONEIDA TRIBE OF INDIANS OF WIS., INC.

NSH:AD

Psychiatric Outpatient Centers of America

4327 ALBEMARLE STREET, NORTHWEST, WASHINGTON, D. C. 20016

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April 8, 1974

The Honorable James Abourezk, Chairman
Senate Subcommittee on Indian Affairs
United States Senate
Washington D.C.

Dear Senator Abourezk:

I sincerely appreciate the invitation to testify at the hearings of your committee charged with the overview of the needs of American Indian children and their families. Unfortunately it was impossible to be present in person since I had prior commitments to the American Psychiatric Association and American Orthopsychiatric Association in San Francisco on the same dates. However, the enclosed statement represents what I would have liked to say in person, and may be of some value to you and your committee as you deliberate.

If there is any way in which I can be of further assistance, I hope you will feel free to call upon me. Your work and support is very much appreciated by many people across the nation. It is a privilege to be included.

Sincerely yours,

Carolyn L. Attneave

Carolyn L. Attneave, Ph.D.

88 Marion Street
Brookline, Massachusetts 02146

Enclosure
CLA/cw

The Honorable Henry Jackson, Chairman
Senate Committee on Interior and Insular Affairs

The Honorable James Abourezk, Chairman
Senate Subcommittee on Indian Affairs

Committee Members Engaged in Oversight Hearings on Issues Related to the Welfare of American Indian Children and Families

Gentlemen:

Your interest and assistance in these matters is a gratifying inspiration to those of us of American Indian Heritage. We know that your assistance and your action based on understanding can be one of the most effective tools in solving our mutual problems, and enabling all of us to take our places as proudly and as capably as those fortunate among us whom you have called upon to speak at this time. It is for those who are not here to speak to you in person that I would like to be heard. The Indian peoples are many, and are often seen as too diverse and too varied to speak as one. Yet every American Indian family shares in many experiences which have affected us and our children. The negative influences may not have been intended but have nevertheless been burdensome and even devastating. All tribes are based upon family units and all tribes not only share in the love of our children, but also find meaning in helping them grow to maturity as whole representatives of the best that human beings can be. In this an Indian parent is no different from any other parent, and an Indian child no different from any other child, of whatever race or station in life.

Seventy-five, fifty, or thirty years ago it was a great hurt to be told that Indian children must be taken from their homes and raised by others who would fit them into a more modern world. Indian children have been literally herded off to school in the past like sheep or cattle. After a generation or two of this many Indian families have expected to

send their children to boarding schools, or to foster homes, or otherwise permit non-Indians to rear and educate them. This happens too often, not because Indian parents do not wish to keep their children, but because it has seemed hopeless to try to do otherwise. Your hearings give hope that perhaps another voice may now be heard, and that though you may come lacking before, there is hope that it may make it possible to change this trend.

In my own case I was lucky. I was not born on a reservation, although my mother was. I was raised and educated at home. Although the price of this was a loss of some of my heritage, a surprising amount of tribal wisdom was passed on to me, and the opportunity to learn more as an adult was opened for me. Because I have been fortunate, I have tried to share this wisdom with non-Indian peoples in my professional activities as well as to help my people, wherever I have been able to do so. It is some of the stories of those who have come to me in my mental health work that I wish to tell you today.

Ten years ago, in Oklahoma, as administrator of a Community Guidance Clinic, I set as a goal the assurance that services were available to the Indian population in the same proportion as they were to other residents of my catchment area. When the families of the seven tribes involved found that they were given respect, they opened their hearts, especially in times of trouble and perplexity, and together we sought solutions. I recall vividly how often each year worried sets of parents would come to the Clinic begging for help in securing placement in a boarding school for their eight or nine year old child. This puzzled me, and it soon became clear that it was a heartbreaking matter for them to part with their child, yet they knew nothing else to do. They had never known life in a family from the age of school entrance. Their parents had never

known family life from the age of school entrance. There were no memories and no patterns to follow in rearing children except the regimentation of mass feeding, mass sleeping, and impersonal schedules. How to raise children otherwise had become a mystery.

When there was hope that someone could help them rediscover the tasks and the joys of parenting children between the ages of seven or eight and fifteen and sixteen, the parents stood straighter -- their problems needed less disolving in alcohol, tears, or apathy.

Sometimes, of course, the solutions seemed strange to my colleagues. Fathers no longer able to do heavy work watched over the little ones and taught them as had been an older tribal custom. Grandmothers shared with daughters who need to work to provide for their households. Children were as often found in the homes of aunts and uncles as their own, sometimes to the confusion of a social agency inquisitor from outside the culture. These old ways of distributing child care within a network of caring people are also some of the most modern ways of developing human services delivery (Robert W. Curtis, Problem Solving in a Social Network, Beyond Clinic Walls, University of Alabama Press, in press). Within this framework new knowledge about health and diet, math and the importance of books spread along a moccasin grapevine whereas the old formal notices from schools and health departments had been so much waste paper. It is exciting to see skills in using washing machines and running water and ready mix foods develop hand in hand with beadwork, ribbonwork, carving, learning songs and drumming.

In one published example I report how in a small clan, 13 children were deprived of parents by a serious epidemic of suicide, yet two years later only one could be found in need of public assistance. This one was the only child who, away from our locale, was handled "legally" and placed

away from his extended family in an institution. He was by then in custody as a serious delinquent (Urban Networks and Tribal Clans, Family Process, September, 1969). Another child and her mother were reunited, instead of the usual downward spiral reinforcement of impotence that accompanies accusations of child abuse by social agencies who could not take the time to understand and render support appropriately to maintain the family unit (op. cit.). This family today is thriving; the children are productive and leaders in their local schools. One boy was football captain, and was not only getting top grades, but also a candidate for student office. The girl and her mother are popular dancers and effective homemakers.

This anecdotal material reflects what can be done when Indian families are enabled in meaningful ways to stay together in spite of apparent differences from white middle class habits in diet, life style, housing patterns and traditions.

More poignant are the records in my files of the personal narratives of those who tell of being put on a bus at age seven and sent far from home, perhaps two states away. Many were not able to return again until in the teen years when they either finished school or dropped out and ran away. Some of these adults are now dedicated to helping their own people in tribal programs and mental health positions, and these individuals often speculate on the chances of fate that have kept them from joining the bulk of their classmates in reformatories, skid row homelessness, or premature death. In nearly every such instance one can trace a close human relationship that sustained, and that gave credence to a goal of mature self determination.

When one realizes that it is even questionable whether one teacher can adequately see as individuals 20 or 30 children as pupils in a classroom, then one is mystified by the administrative practices in boarding schools.

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How can one house parent, or even a couple, relate to as many as one or two HUNDRED children outside of school hours? Yet these conditions are to be found in boarding schools for Indian children. The chances for the life giving relationship between child and adult are like the odds of Russian roulette only in reverse -- the one chance of hope in many during the constantly shifting chambers of the institution.

How are children to be whole people if they are removed from all chance to learn from their elders and their peers? What of those placed as adopted or foster children in families of different race, different language, different religion? Well meaning though some of these foster parents may be, they seldom know the difference between the television western and the real life of the people from which their ward comes. I have seen white foster parents puzzled because their charges did not respond to drums and beadwork of the Sioux in the Dakotas, when the children's place of origin had been the Southwestern desert. It would never be expected that a Swedish child would spontaneously thrill to "O, Sole Mio" just because both are European!

I have heard Indian youths raised on the East coast insist that one must have a real Indian name given to one and torture themselves because they would never know what theirs might have been. Worse yet, they and their western counterparts find themselves the always handy targets of proselytes and missionaries -- touted as too good to be true if they have been brought up Christian, and pointed out as dirty heathen if they have some cherished remnant of traditional myth, or an early memory of a different food, a different footstep, or snatch of melody.

The foster child and the adopted child pose special problems for they must forever try to integrate themselves across racial and cultural barriers, as well as solve personal identity problems. The boarding school

reared adult at least has group support for his identity, even though he may be short-changed in life experiences. Most Indian people would not deny either of these institutional opportunities for those who really need them, but they would not want them prescribed wholesale like vitamins. It is now well known that this is not a wholesome practice (Indian Boarding Schools: A Hazard to Mental Health, American Journal of Psychiatry, March, 1974). Most Indian people would want something in the way of sanction to make these experiences, when needed, more adequate for the mind and spirit. While all of us know that attitudes cannot be legislated, frameworks can be developed within which respect for differences, encouragement of humanness, and realistic relationships can be legislatively provided. Dollars are not a cure-all-either, but budgets that consider anything not required for physical safety a frill to be purged in the name of economy pass on for costlier bills to other agencies such as prisons, mental hospitals, and welfare agencies.

The budgets of the past have not permitted us -- either as professionals or as Indian parents -- to put into effect the best practices, and the remedies we already know. There is much knowledge available, unused, not only how to prevent human misery, but how to develop the real potential of our children. I speak of these things not in numbers with which you are I am sure being supplied overwhelmingly, and not in an attempt to arouse your pity. Both can be assumed in the calling for these hearings. Rather I hope to direct your attention to the fundamental strengths of peoples that are now being wasted, and which can be released if the right framework is provided. It should be a simple matter for this committee to direct that studies be made which will show how many children still require boarding schools and boarding homes because they live too far from economically feasible community schools. It should be possible for this committee to

summon the studies that already show that those who are now sent to boarding schools are children who need special educational programs and who have more than average need of emotional support. It should also be possible to estimate from studies of model programs already carried out (Toyei Model Dormitory 1970-73) what the realistic costs of meeting those needs would be. It is my hope that you will use these as a basis for recommending legislation and to set standards for achieving potential. In so doing you will break past chains, since committees like this in the past usually set standards for the minimum needed to "control the savages" (L. Winer American Indian Education and Legislation, Ph.D. Dissertation, American University, Washington D.C., 1973).

If you can make this basic shift, and you can secure the facts you need to do so, then I should like to assure you that there is strength among the Indian people to help carry out adequate programs. Many Indian tribes and urban groups already have begun to attempt this task. The Norton Sound Native Corporation and the Tannana Chiefs in Alaska have taken over the boarding home programs for high school youth. The Coleville Confederated Tribes in the state of Washington have been acting as their own research contractors in the study of why their children drop out of school. The Warm Springs tribe in Oregon have developed tribal day care facilities so that fathers may keep their motherless children at home with them. The Navajo development of local schools within the reservation is well-known. These are a few examples of positive programs with which you should become familiar as well as you are with the tragedies that haunt us all.

No tribe or urban Indian group will want to have any one of these models forced upon it in detail, but careful scrutiny of them will reveal some principles that can be extrapolated: a moderated growth of responsibility by Indian parents; apprenticeship that leads to the development of expertise

and the replacement of outsiders by equally qualified tribal members; and real group decision making and tribal control rather than advisory tokenism. Indian people do have the personal resources to organize their own solutions to the problems you are viewing. What is needed is a framework which will permit this partnership to evolve.

It is important that you have asked Indian people as well as professional experts to tell you what the problems are and what is needed. It is significant that you listen and think on these matters deeply. It will be a real contribution if you work with us, those of us who are professional and those of us who are Indian parents and Indian youth. Together we can frame questions to be answered. Together we can discover the parameters within which you with your special responsibilities can frame the legislation which will permit us to apply what we already know in practical ways to preserve a great human resource -- the children of our respective peoples.

Carolyn L. Attneave, Ph.D.
President, Psychiatric Outpatient
Centers of America
Enrolled Delaware Cherokee Tribes
of Oklahoma

ASSOCIATION ON AMERICAN INDIAN AFFAIRS, INC.
432 PARK AVENUE SOUTH, NEW YORK, N.Y. 10016

INDIAN CHILD WELFARE AND COMMUNITY ACTION

A SPEECH PRESENTED TO THE
LAKOTA T.B. AND HEALTH ASSOCIATION
JUNE 15, 1972
BY JEFFREY NEWMAN
ASSISTANT DIRECTOR
ASSOCIATION ON AMERICAN INDIAN AFFAIRS

First of all, I thank you for asking me here today. The Association is greatly honored to be asked to speak before Lakota TB & Health's quarterly meeting. We are always pleased and particularly so because we are aware of the enormous contribution you have made to the physical and mental well-being of Indian people in the Great Plains area. Since its beginning in the 1950's, Lakota TB & Health has successfully launched major efforts in many fields: TB, Mental Health, Community Health Services to mention just a few. In Washington, the federal government is well aware of you and your work; in Aberdeeen, the Bureau of Indian Affairs and Indian Health Service responds to your call; in State capitols throughout the Plains your name is known by legislators, administrators and bureaucrats. You have accomplished much and yet you are aware of the great amount of work still to be done.

I come to you today to urge you to begin, both individually and as a group, a substantial drive in a field left almost untouched,

for too long; an area of concern equal in importance to any you have worked on, and an area that goes to the very core of Indian communities and families. This is the area of child welfare; more specifically, the way local, state, and federal authorities have dealt with and continue to deal with Indian children and their parents.

Some of you may not be aware of some of the horrifying facts and statistics that give a grim picture of this problem: In the Dakotas alone, the placement of Indian children in foster home care is 17 times the state's rate for all children in comparable age groups. The placement of Indian children in foster homes in North Dakota, South Dakota, and Nebraska is 10 times the national rate for all children. And most appalling of all, while one out of 200 children nationally are not in their natural homes, one out of every nine Indian children in North Dakota, South Dakota and Nebraska are not in <u>their</u> natural homes; they're either in foster homes, Institutions, boarding facilities or adoptive homes. This means that for one reason or another, Indian children are removed from their homes

at a rate more than 20 times the national average.

I would suggest to you, both from these statistics and from our experience, that somebody is playing with the lives of Indian children and their parents. I would suggest that non-Indian standards are being applied to Indian people against the best interests and the will of Indian people; I would also suggest that there is much that can be done to reverse this situation and reverse it now, and that your role here at Lakota TB & Health can be a major one.

Let me give you an example of the kinds of things that can and have been done. The Association began several years ago getting directly involved in this field; one of the main reasons for our involvement was a direct appeal from the tribal council and the women of the Devils Lake Sioux Tribe. At that time, in 1968, the Devils Lake Sioux people were experiencing a rash of incidents where the local county welfare officials were literally taking Indian children out of their homes and placing them in non-Indian homes off the reservation. Sometimes these

placements took the form of foster homes, sometimes adoptive homes, but more importantly the placements were being made against the expressed will of the Tribe and the community. The Tribe came to AAIA and asked for assistance. With our help, the women of the community brought their situation to national attention; they appeared on National television in New York, met with federal officials of HEW and BIA in Washington, and on the home front, they, along with the council, began actions which resulted in a total halt to placements off the reservation. They created a Tribal child welfare board to make formal recommendations to the tribal judge. In effect, the tribe told local officials from state and county that no Indian child was leaving its home,or its reservation without the expressed recommendation of the Tribe; and that where removal was necessary (and, indeed, in some cases the Tribe acknowledges that it is) placements would be made, wherever possible, into Indian homes. That welfare board still operates today, and to my knowledge since that time, no Indian child has been removed from

the reservation by the state or county authorities. And, to my knowledge, no Indian children are suffering as a result: quite the opposite.

In addition, the Tribal Council, the child welfare board and other tribal members created with AAIA assistance, a proposal for a family rehabilitation center on the reservation, to prevent family breakdown and to help solve family problems. That center was funded by the Department of Health, Education & Welfare in 1970 and is operating today. In short, a tribe which you all know well, and which has had some of the most difficult child welfare problems,has taken giant steps toward solving them.

I am not saying that all tribes should do exactly the same thing; nor am I saying that these actions are easy to undertake, but I am saying that all of you can begin the movement in this direction in your communities; that today, at long last, there is an opportunity for you to stand up and put a stop to this outrage. (Partly because of the Devils Lake Sioux

experience and partly because of other cases, many federal, state and local officials are going to be responsive; and where they are not, you can fight and you can win, whether in the agencies themselves, the state capitols, the courts, or if necessary, Washington, D. C. itself. Every mother, every father , has a right to to his or her children; they cannot be removed at the whim of local welfare officials; they cannot be removed simply because the Indian life style doesn't match the life style of the local non-Indians, with their neatly trimmed front yards, their carpeted homes, and their two car garages. Indian children and Indian parents have a right to their cultures and their communities and the time has come to say so.

In the past few years, the Association has been involved in a number of legal battles, supporting Indian parents or grandparents in an effort to keep or get back their children from non-Indian homes or environments. Some of these cases were fought bitterly by unseeing and insensitive welfare officials.

But, in the end, in recent years the courts have almost always sided with the Indian people. A recent case is a good point.

Just ~~two~~ one weeks ago, a South Dakota Indian woman won the battle to have her child returned to her in a California court. She is now back on the reservation with her child. The Association provided legal assistance to this woman, whose child had been taken from her sister's home in California (where the child was visiting) and placed in a foster home by California Welfare officials. Supportive testimony was supplied by the Tribal Judge, and by members of the community, and by the Bureau of Indian Affairs. But, throughout, the California Welfare Department and the South Dakota Welfare officials kept up the battle to leave the child in California. Those officials, particularly those in South Dakota who work closely with Indian people, have no business in their professions; they are enemies of the people they pretend to help.

Much needs to be done; your communities need to know,

and you can tell them, that there are solutions; that help is available; that their children can and should remain Indian. Your Tribes and Tribal Councils can begin this process, or you at Lakota TB & Health can begin it; groups can organize for this purpose within the communities, and work can start now. The Association stands ready to supply organizing assistance where asked, and legal assistance or advice where needed. With this kind of action, appropriate federal agencies who have too long remained silent, will no longer be able to do so. You used your strength to drastically curtail TB; you have taken great strides in mental health; you are alerting communities to many different health problems and their solutions; this is perhaps the greatest mental and physical health problem of all, centering as it does at the root of Indian family life -- I urge you today, this weekend, next weekend, to literally sound the cry in your communities; the crime must be stopped; Indian children will not be de-Indianized, and smothered by white culture, stolen from their homes and divorced from their heritage. The fate of your Indian tribes may well hang in the balance.

MEMORANDUM

From: Association on American Indian Affairs, Inc.
432 Park Avenue South, New York, N.Y. 10016

To: Child Welfare and Mental Health Committee of
Lakota T. B. & Health Association

The following recommendations are based on discussions with Indian community leaders over a considerable period of time. They are offered here for review, criticisms, and suggestions. Subsequently, a final draft will be prepared and submitted for final review, and it will then be forwarded to interested Congressmen and Senators and appropriate Federal officials.

These draft recommendations will by no means end the Indian child-welfare crisis; but we believe they are practical, first steps toward that goal. We have singled out what we believe can be accomplished by Congress and the Federal government in a year or two, recognizing that much additional work will be required over the years to come in order to assure that American Indian families are treated with the same respect, enjoy the same opportunities, and are afforded the same protections as other American families.

DRAFT RECOMMENDATIONS

It is recommended that Congress:

I. Enact a law that withholds recognition of the legality of any placement of an Indian child for adoption, foster care, or other institutional or custodial care, unless made pursuant to an order of the Tribal Court, where a Tribal Court exists which exercises jurisdication in child-welfare matters and domestic relations.

II. Enact a law that: (1) authorizes Indian tribes to license foster homes and to accept State placements of Indian children and State funds in support of Indian children; and (2) requires that, where a State uses Federal funds, the Federal funds shall be made available to the State in support of the foster care of Indian children on condition that priority be given to Tribally-licensed foster homes.

III. Appropriate $___ million for construction in connection with a special Home Improvement Program under the Bureau of Indian Affairs to upgrade: (1) the housing conditions of Indian foster and adoptive parents; and (2) the housing conditions of American Indians who seek Indian foster children or adoptive children, when such improvement would enable them to qualify under Tribal law or licensing standards; and (3) the housing conditions of families facing disintegration, where such improvements would contribute significantly to family stability.

IV. Request that the Department of the Interior and the Department of Health, Education and Welfare submit for fiscal year 1975 a program and budget for comprehensive child-welfare and family-protection services that are designed to reduce sharply the number of Indian children removed from their homes and their communities.

V. Request that the Department of Interior and the Department of Health, Education and Welfare regularly submit statistics on the placement of Indian children and an evaluation of the application of existing Federal laws and regulations in reducing unwarranted and unnecessary placements of Indian children.

It is further recommended that the Secretary of the Interior, if he considers it within his powers, or Congress:

VI. Authorize the Bureau of Indian Affairs to make payment of child-welfare subsidies to adoptive parents on the same basis as it makes payments to foster parents.

VII. Authorize and make funds available for the position of Chief of the Division of Child-Welfare and Family-Protection Services within the Bureau of Indian Affairs.

1-26-73

Association on American Indian Affairs, Inc.
432 Park Avenue South, New York, N.Y. 10016

EXPLANATIONS OF DRAFT RECOMMENDATIONS

Recommendation I.

Many Indian children are taken from their families without Tribal Court action. Parents or guardians in times of doubt, confusion, or despair, sometimes voluntarily waive their rights and consent to the adoption of a child or his placement in a foster home or in other institutional or custodial care, only later to regret it. In some cases they are victims of harassment or subterfuge by child-care agencies both public and private and by individuals seeking Indian children. Once a waiver has been signed it is difficult, if not impossible, for parents or guardians to regain custody of the child.

In the case of voluntary waiver and consent, the decision as to where the child is placed is determined not by a tribal agency, but by public or private agencies or by individuals. The result is that many Indian children are placed in non-Indian homes, often far from the Indian community, and other relatives or members of the tribe who are willing to provide care are denied this opportunity.

This recommendation is intended to afford the protection of the Tribal Court to Indian children and their parents or guardians in all cases relating to child placement. The Tribal Court itself would then be able in all cases to make its own decision as to what is in the best interests of the child and of the parents or guardians. The Court may recommend counselling for the family where such service is available or it may agree to the termination of parental rights. The Court would then also determine where the child should be placed. The Court may choose to place the child in a home on the reservation or transfer custody of the child to a tribal or state or private agency.

In cases where a child has been placed without a Tribal Court order, placement would be without color of law and the tribe or the parents or guardians could obtain a Federal court order for the return of the child.

Recommendation II.

In most states with substantial Indian populations a majority of Indian foster children placed by public or private agencies are placed in non-Indian homes or in homes that have not been approved by a tribal agency; and relatively few Indian homes are licensed by the states to accept foster-care placements. The Federal government makes available to the states funds to provide child-care payments to these foster-parents. Thus Federal funds are used to subsidize discriminatory state practices and licensing standards.

The purpose of this recommendation is to help reinforce the sovereignty of Indian

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tribes in matters relating to child-care placements and to help end discriminatory child-placement practices. A state that fails to comply with the condition contained in this recommendation would be subject to a cut-off of Federal child-care funds. The standards for licensing foster homes in order to qualify for foster-care payments would be the standards of the tribe. If the tribe determines to license a non-Indian home it would, of course, be free to do so and that non-Indian, tribally-licensed home would also enjoy priority over homes not licensed by the tribe.

Recommendation III.

Federal and state subsidies for child-care are largely based on the assumption that children will be placed with foster-parents who enjoy average or above-average means. Many Indian people who can and do provide excellent, loving care have income well below the average and do not have or cannot afford to obtain housing that meets Tribal licensing standards, if the tribe includes the condition of housing in its standards.

The purpose of this recommendation is to supplement child-care payments with a home improvement subsidy as part of the Bureau's HIP program, in order to make it possible for more Indian homes to qualify as foster-homes under Tribal lincensing standards; it will also help out in cases where poor housing contributes to family instability.

Recommendation IV.

The need has long been recognized for greatly expanded services to Indian children and their families to help prevent family breakdown and to help parents who have lost their children rehabilitate themselves and regain custody of their children. Additionally, there are families who have lost their children or may in the future lose their children without sufficient cause or without due process of law.

The Federal government--the Bureau of Indian Affairs and HEW in particular--has, for the most part, failed in its responsibilities to design comprehensive child-welfare and family protection programs and thus it has not recommended adequate programs to Congress for funding.

This recommendation would put the Department of the Interior and the Department of Health, Education and Welfare on notice that Congress has a vital interest in the child-welfare crisis and this, it is hoped, would set in motion the necessary planning and budgeting within the Administration.

The design of any expanded child-welfare and family-protection services should be undertaken in full cooperation with American Indian communities and should provide for tribal participation in the administration of the services.

Because the Federal government is so far behind in its planning for such services and because it has not yet done much to involve Indian communities in the planning, it appears that such a program of services could not be acted upon by Congress until after the current (fiscal year 1974) Federal budget is adopted.

However, if it appears that earlier action is possible, strenuous efforts will be made to this end.

Recommendation V.

This recommendation is intended to provide Congress with the information necessary for it to monitor the success of Federal efforts to end the child-welfare crisis and to determine whether additional Congressional action is required.

Recommendation VI.

In most states, foster-care payments cease when a child is adopted. A number of foster-parents who wish to afford their foster-children the protection of adoption do not have sufficient income to support them if they were to lose child-care subsidies.

This recommendation is intended to enable the BIA to extend child-care payments in order that foster-parents of modest means may adopt their foster-children. Such adoptions are, of course, subject to the same approval as any other adoptions.

Recommendation VII.

The BIA has more than 15,000 employees. Although the Bureau retains a consultant for child-welfare matters, it has no full-time administrator to revise BIA policy, to develop a comprehensive program of services, and to oversee and coordinate the services that do exist.

This recommendation is intended to remedy this defect.

1-26-73

UNIVERSITY OF MINNESOTA
TWIN CITIES

Department of Psychiatry
University Hospitals
Box 393, Mayo Memorial Building
Minneapolis, Minnesota 55455

April 12, 1974

Senator James Abourezk
Dirksen Senate Office Building
Washington, D.C.

APR 1974

Dear Senator:

Unfortunately I was unable to prepare a statement for you in the short time between being notified of your hearings and attending them in Washington. However, two of the appended papers (numbered 1 and 2) document some aspects of the child welfare problem. The other three papers (numbered 3 to 5) are in regard to alcohol problems among Indian people in Minnesota, and these may be of interest to your staff.

Those of us involved with working among Indian people appreciate your efforts in trying to ameliorate the heavy burdens placed by history and the majority society on these people. Such efforts will in the long run benefit us all, Indian and non-Indian.

Sincerely yours,

Joseph Westermeyer, M.D.
Department of Psychiatry

JW:gw

Encls.

Reprinted from the October, 1972 American Journal of Public Health

This paper discusses problems encountered by health workers and ghetto-minority patients in their relations with each other and how they may be handled. The problems are seen in a practical way.

Absentee Health Workers and Community Participation

Joseph Westermeyer, M.D., M.P.H., Ph.D.

The Problem

As social awareness becomes the order of the day, health professionals are launching forth to meet ghetto and minority health needs. Much of the motivation appears as altruistic as motives can humanly be. Some incentive is provided for others by the gold in "them thar health programs." Political realities require certain health workers to become involved regardless of their own preferences.

How is this recent reformation in health services proceeding? Recent events in some areas suggest the changes outlined above have resulted in a paper-reformation only. Despite the promises and polemics, many American citizens remain outside the health care system. Provision of care often stays as demeaning as it ever was. Many neighborhood health clinics have not provided the anticipated solution. Frustrations engendered in these new health centers are manifest in the political storms waging about and within them, and in the turn-over of their directors, personnel, advisory boards, and patients.

The professional personnel involved in these efforts have been among the best their various disciplines could provide in terms of intelligence, flexibility, and training. Huge sums of money have been made available for the task. Why then have so many intensive efforts been met with dismal failure or only the most mediocre success?

Method

This analysis rests primarily on experience as a physician in the Twin City area over the last decade. During the last four years especially, work in local teaching hospitals and community clinics has brought these problems to attention. At the same time, community concerns have become known while serving as a volunteer consultant to three self-help groups: a health committee formed by Indian citizens, a halfway house for minority alcoholics, and a group comprised of minority alcoholics and drug abusers.

Two years spent with a village health program in Asia (1965-67) served as an initiation into community medicine. It provided the opportunity to be personally involved in (and sometimes responsible for) the difficulties encountered in cross-cultural provision of health services. Formal training in anthropology and public health, together with a residency in psychiatry, have contributed a conceptual frame of reference. While retaining responsibility for my conclusions, I also recognize the considerable impact which a few friends and colleagues have had in the genesis of this paper (see acknowledgments).

Misunderstanding

Health workers frequently misinterpret the behavior which they observe among ghetto-minority patients. Should the health worker choose to act on the misperceived behavior, the target patient group in turn usually misinterprets the health worker's activity. An inter-group *folie à deux* results, accompanied by hostile polarization of patient population from health worker. A recent crisis, during which I had channels of communication open to both sides, will serve to illustrate this phenomenon.

> Sharon M., a fourteen year old Indian girl who has recurrent asthma attacks, lives with her grandmother and attends a nearby high school. Recently the neighborhood health clinic had been responsible for her medical care. As clinic doctors and nurses became increasingly more concerned about the recurrent nature of the attacks, Sharon's grandmother became perceived as the noxious agent. She was indicted by the clinic for failing to provide an acceptable environment for Sharon and for failing to assume responsibility for Sharon's condition. As a result, the clinic urged the child protection agency to make Sharon a ward of the state.
>
> An officer of the child protection agency and a policeman appeared at school one day to take Sharon to a custodial foster home. Sharon had no intention of leaving her own home and proceeded to lead the officer, school nurse, and policeman on a chase around the school. During the lengthy disruptive pursuit, an Indian activist movement was contacted. They promptly arrived on the scene, dozens strong, to protest such outrageous official conduct. A hasty parley led to the agreement that the court be allowed to decide the girl's destiny. The next day the court assigned the leader of the activist group to be the girl's foster parent.

Who was to blame for this Keystone Cops-type farce? The grandmother was merely behaving as a normal Indian grandmother. She loved the girl and was concerned for her welfare; but at fourteen years of age her granddaughter was considered to be a free agent, responsible for herself and her behavior. And within the limits of her own environment, grandmother was providing as good a home as she could.

On the other hand, the clinic workers were following the Hippocratic oath as they understood it. Despite the best medical attention that they were capable of providing, the girl continued to have asthma attacks. Searching about for an answer, they saw that the home was not well kept by their standards, and grandmother did not seem responsible

by their standards. To them, the solution was obvious: put Sharon in a clean home under the direction of responsible adults. Their motivations were (from their own ethnic context) beyond reproach; they only wished the best for their patient. However, they ignored the most important ethnic context: that of the patient.

Of course Sharon wished none of the clinic's interference in her life; she was prepared to defend her autonomy to the death. Neither did her family on her community want any outside meddlings. They interpreted the entire sequence as another example of the tyrrany of the dominant society.

Each side failed to understand the other. Why? Partly because neither understands the normal spectrum of behavior among the other. And partly because of a failure to communicate.

Communication Problems

Communication breakdown can, in a generic way, account for virtually any and all inter-personal problems. More specifically, however, some failures in health care result in the patient's problem not ever being transmitted to the care giver. Thus, a pseudo-relationship develops without any goal orientation. Frustration results for everybody concerned, as in this example.

> Percy S., a twenty-four-year-old black man born and raised in the Minneapolis black ghetto, presented himself to the University Hospitals requesting help. For two weeks he was evaluated on the Psychiatry Service. No problem was evident, and he had no mental or emotional sequelae from his chronic use of marijuana. He refused to attend group sessions and was quite guarded during dyadic interviews. Staff frustration led to a decision for discharge.
>
> On the day of the proposed discharge, Percy prophesied the slaughter of all whites, the destruction of the hospital, and rise of a black elitist people. Confronted in the heat of the discussion about his reasons for seeking hospitalization, he related his problems.
>
> From age eleven he had worked as a procurer. Proud of his ability to "pimp any woman in town," he had always made good money. On the side he sold marijuana and amphetamines to teenagers. He loved his common-law wife and two children, and—prior to the year before—had been quite happy with his life.
>
> The year before admission, black nationalism came to have a strong influence on his neighborhood. They preached that one should not sell his black sister or push junk to his younger black brothers. They got him a job with a federally funded program.
>
> Caught up in the black movement, Percy felt his life was better. Then, with a change in administration, the federal program came to a halt. Unable to read or write beyond a first grade level, he took an unskilled job. The work was all right, but he could not tolerate his white boss. He decided to quit and return to his old way of life.
>
> Then his problems began. Neighbors who had formerly admired his "con" abilities now censured his pandering and pushing. The family went on relief. His wife grew cold toward him and implied that he ought to leave.
>
> At this point Percy was both enraged and depressed. He thought of killing himself. However, he was unsure what to do with his wife. He wanted to kill her too, but did not want to leave his children parent-less. After two weeks on the horns of this dilemma he decided to go to the hospital for help.

Following his admission for "taking drugs," Percy decided the hospital staff could not be trusted. He assessed the staff as belonging to "the white establishment." If he told them about his suicidal impulses, he might be put away as crazy. If he mentioned his dilemma about killing his wife, he could go to jail. And if black nationalists were discussed, he had visions of the F.B.I. or assassination entering the picture. It was better to be quiet, he decided.

By the same token, the staff had no way of understanding what Percy's social context might be. None of them had ever known a pimp, nor did they know of the social changes in his neighborhood. Few non-psychotic blacks ever appeared on the psychiatric service (except as housekeepers), so the staff had no fund of experience from which to draw.

Without some mutual appreciation of motivation, normal spectrum of behavior, and social dynamics, communication becomes eminently difficult. We search for bridges, mutual interests or experiences, over which we might convey our thoughts or feelings. The same bridges bring thoughts and feelings of others to us. Where such bridges are remarkably sparse, and when racial conflict and distrust are rife, the provision of any health care requiring human discourse becomes virtually impossible.

Middle Class Standards

Often the frustration boils down to the fact that health professionals simply do not like behavior or values which are unlike their own. Given the opportunity to exert control over the "undesirable" behavior, even though there be no direct health implications, they can and do sometimes wield such control unreasonably.

> The T. family is a large white family who live in a lower class neighborhood. Finances are always a problem, for Mr. T. works a semi-skilled job and Mrs. T.'s cancer treatment has exhausted family resources. At the end of a long down-hill course, it appears that Mrs. T. will die shortly.
>
> At a clinic conference held to discuss the T. family, school authorities express concern about recent attention-seeking behavior of the young T. children at school. Clinic workers are worried that the eldest T. daughter will drop out of high school after the mother's death to assume the maternal role. A child protection worker has been invited to the meeting.
>
> From the opening of the meeting, the hidden agenda unfolds. "Expert medical opinion" (by the beginning pediatric resident and newly graduated nurse) is given to show that the only solution is for the state to assume guardianship of all the children. The children's "incipient psychiatric problems" and Mr. T.'s "incompetence" are given as reasons for guardianship. Mr. T. is said to work overly late hours instead of being at home, and allusions are made to the undocumented possibility that "he may have been a pervert" several years ago. Further investigation elicits that Mr. T. has always been a regular worker, does not drink or gamble to excess, is loved and respected by his wife and children, and has no police record. The children have had no behavioral difficulties prior to their mother's recently becoming bed-ridden in the terminal stages of cancer.

Faced with disturbed behavior in a lower socioeconomic family, the health workers in this case chose to denounce the family as "pathological." Even more frightening is the support given them by the school (who did not like the children's recent behavior) and the protection agency (only too willing to "do their thing" in the name of social welfare). No attempts were made to understand the family or the stress it was going through. No thought was given to how the clinic, school, and welfare agency might support the grieving family through the death of the mother.

Instead attention was focused on "disturbed childhood behavior" and "drop-out teenager" and "perverted father." Specters of childhood schizophrenia and unwed adolescent mother were raised, with the implication that clinic members would feel personally responsible if either event ensued. While the naïveté of the fledgling pediatrician and nurse can be understood, the responsibility of their supervisors in such matters cannot be so easily dismissed.

Stereotypes

Just as any other human being, the health professional conjures up stereotypes regarding people from unfamiliar groups. This maneuver allows a small sample of experience with a certain group to be generalized to the entire group. It avoids the more time-consuming exercise of accumulating a wider breadth of personal experiences with the group in question. And after a day spent on the ward or in the clinics with social foreigners, the middle-class health workers is only too happy to leave the core city and return to his middle-class neighborhood. Like the absentee landlord and the absentee bar owner, the absentee welfare worker and absentee teacher, he becomes the absentee health worker. The result: stereotyping.

The painful results of this mechanism afflict both patient, in terms of poor medical care, and care giver, in terms of frustration from his work. An infinite variety of problems result, as in the following case report.

> Eugene F., a 57-year-old single Indian born and raised in northern Minnesota, has worked for several years as a maintenance man for a large apartment complex. He has an excellent work record and is highly regarded by the Indian community in Minneapolis.
>
> One Friday evening a police ambulance brought Eugene from a bar to the receiving room of the hospital. No history was available. Eugene appeared confused and was gibbering in an unintelligible manner. Without further ado, he was transferred to a psychiatric ward some miles away to sober up.
>
> On admission to the psychiatric ward, routine pulse and blood pressure suggested increased pressure on the brain. A Chippewa translator was obtained, and the patient was found to be complaining of a severe headache. Further studies revealed a spontaneous hemorrhage from an arterial aneurysm in the head.

To the initial physician the combination of "Indian," "bar," and "confused" lead to one conclusion: another drunken Indian. No further examination was carried out. While most Indian people in Minneapolis do not fit the stereotype, those Indian patients seen by this physician do fit it. In the case above, he generalized from his own limited experience and purveyed a substandard level of medical care.

First Class Medical Care

The ghetto health worker frequently draws around himself the protective cloak called "first class medical care." Professionals assert that they can only practice their art on this level. It is repeatedly affirmed that minority patients have a right to this kind of care. Yet let us look at a few examples of it.

> A series of forty Indian patients with alcohol problems were admitted to a university psychiatry service over several months. So long as only one or two such patients were in hospital for less than a week, ward routine ran smoothly. As soon as three or more Indian patients were in the hospital for longer than a week, the Indian patients automatically became an in-group on the ward.
>
> Some ward staff became vexed with the later state of affairs. They felt unable to move into the Indian group and function therapeutically. To quote one staff member, the patients "might as well be out on the street." While a few staff members worked well with the Indian in-group, the general feeling was one of frustration and anger.

Those ward staff who could not provide what they considered to be good psychiatric care became irritated and were vocal in requesting that the patients be discharged. This staff behavior occurred even despite evidence of benefit from hospitalization (e.g., recovery from Korsakoff's alcoholic psychosis, occupational therapy for a blind patient, repair and therapy for ulnar palsy). The rationale was that the patients "were not amenable to treatment" or "could not benefit from first class medical care." Another example serves to illustrate how "first class medical care" can affect the recipient.

> Roberta S., a 26-year-old Indian woman, was admitted to hospital for alcoholic binges following separation from her husband. She is intelligent, well-groomed, perceptive. A disposition conference with the patient, two ward staff, and the author began amiably.
>
> Fairly soon the ward staff members engaged the patient in the sort of direct, confronting approach now popular in ward meetings. Roberta quite rapidly became stone-faced, taciturn, and stared off in the distance. Despite more pressure from the ward staff, all communication was interrupted.
>
> The interaction was then discussed with Roberta and with the two staff people. The staff honestly felt they were utilizing good therapeutic techniques to "draw the patient out" and "get at the problems." They were quite satisfied with their approach, even if unsuccessful in this case. Roberta related that she preferred not to talk about anger or speak angrily, particularly with strangers.

Similar examples have been encountered in medical, surgical, and pediatric cases. I have come to regard the over-used phrase "first class medical care" as a defensive device. It is used as a shield to protect the traditional *modus operandi*, to avoid responsibility and to avoid development of innovative techniques.

High Standards in Training

Another bastion of the health worker is training standards. He has labored long to obtain his certificates and

is pledged to the precept that only the "well-trained" can work as equals along side of him. The force of this obsession is illustrated by a local neighborhood clinic.

> Some three dozen professional health workers are employed in a community clinic. Fields represented include medicine, dentistry, health administration, public health nursing, clinical nursing, dental hygiene, dietetics, health education, social work, psychology, audiology, and laboratory technology. The clinic serves a low socio-economic neighborhood in which white, black and Indian people live.
>
> All of the health professionals are white. Except for one foreign-born white man, all of the professional staff live outside the clinic neighborhood. They commute into the clinic in the morning, and out again in the evening.
>
> Even supportive staff are mostly foreign to the neighborhood. Only one secretary lives in the area. One nonwhite aide works part-time at the clinic. The medical director avers that he would readily hire local people to fill his positions: "You bring me the qualified people, and I'll be glad to hire them." While he takes in many students from the university for training, he disclaims any obligation to train people in the neighborhood which the clinic serves.

The "high standards in training" in such cases serves only to keep the insiders in, and the outsiders out. In neighborhood clinics of this genre, health care trainees from outside areas continue to learn at the expense of minority groups and the medically indigent so that they can later provide care for the affluent.

The Long Range Effect

Experiences such as those described above, together with an extensive review of mortality statistics at the Minnesota Department of Health and of autopsy data at the Hennepin County Medical Examiner's Office, leads me to conclude that ghetto medical care (excluding preventive care, such as immunizations) for the impoverished sick has not improved the general health of minority people.[1]

While ghetto health institutions may not be of any earthly value to ghetto dwellers, we cannot ignore the role they have played in serving as subjects for medical training and research. At least there appears to be no transgression of the first principle in medicine, *primum non nocere* (i.e., at least cause no harm).

Or is there a transgression? Share a powerful lesson taught by a man whose formal schooling is limited, but whose understanding is extensive.

> When I was a boy, I thought there were three kinds of people: good people and bad people of my own race, and good white people. I saw the white doctors, white teachers, white nurses, white social worker, white storekeeper; they were able people and led good lives.
>
> When I grew up, I drank a lot. I didn't take good care of my family. I came to hate myself for being what I was. I wished I was white, I dreamed about being white.
>
> But my thinking was unbalanced, like a three-legged chair. It needed that fourth leg. Finally I found it: I found out there were bad white men, too. Then my thinking became like that four-legged chair. It became more stable and didn't tip over so easy.

With an expertise born of experience, this erudite man has recognized that the ghetto child is surrounded by people who meet his health, educational, welfare, and other needs. These people dress neatly, talk nicely, appear confident. They drive new cars. However, they do not live in his neighborhood, or visit his home, or socialize with his parents. Often they contrast in countless ways with his own parents and neighbors. Ghetto children are influenced to identify with the neighborhood foreigner whom few of them will ever emulate, and to the detriment of their attitudes toward their own parents and themselves.

Absentee educators and care givers have an even stronger message for the ghetto neighborhood. It screams wordlessly: "You cannot care for your own needs; you require that we help and direct you; you are ignorant and inept." Such a message is not wasted on the children regarding their own future.

In sum, there remains with me grave doubt whether *primum non nocere* might not be profaned in today's ghetto health activities. The long-range malignant effect on the ghetto may well counter-balance any beneficent effect the present system has for society as a whole.

We Know Better

A first principle exists in ghetto health which, while either unconscious or spoken only in seclusion, dominates the organization and the programs in the field. It is difficult to separate this strategic postulate from the tactical difficulties enumerated above. In turn, the postulate produces abortive corollaries of its own. The principle states: We Know Better.

In this era of health consumer participation, each health institution has its advisory committee. The gross incompetence of some of the health representatives would insult many of the neighborhood inhabitants, if they had any public knowledge of who was "representing" them. In other cases the committees are composed of competent people with values and education heavily skewed toward that of the health workers themselves; no pretense is even made that such groups are representative of community interest groups. In either case such committees smack of tokenism: they have no real power. They do not turn the money-spigot, approve or veto program goals, nor choose project directors. In essence, ghetto citizens are not allowed to make any significant decisions regarding their own health matters. In fact, to allow them to do so is perceived as dangerous by many health workers.

Let us look at the sequelae of this "We Know Better" principle in operation. Health becomes not a community-centered affair, but rather a clinic or hospital-centered activity. Health programs are developed to cure or prevent diseases which the local populace considers merely a normal variant, and not a disease at all. Health priorities are those of medical workers, and not of area inhabitants. The hospital or clinic becomes foreign territory to the neighborhood: as phrased by one man, "That's just another place that's not mine."

"We Know Better" has a more subtle influence on patients and on institutional statistics. The establishment of a complicated intake and care system requires a relatively high level of compulsiveness and patience, personality characteristics without much survival value in ghetto areas. As a result, a covert selection process leads then to better sta-

tistics regarding follow-up and cure as the more desirable patients (from the health worker's standpoint) receive care. It is problematical, however, whether this has any effect on mortality and morbidity statistics in ghetto areas.

How is it, then, that the "We Know Better" principle is maintained by so many bright and well-intentioned professionals? First, they keep relationships with ghetto dwellers to a minimum; non-clinic centered interactions are especially avoided. Next, they spend a major portion of the day with our professionals and absentee workers, including teachers, welfare workers, child protection people, missionaries, government inspectors, university representatives. Third, the health worker engages in self-fulfilling prophecies by excluding patients and community representatives from discussions, conferences, and decisions. Lastly, indigenous health workers are not hired or trained unless they possess middle-class norms or aspire to leave their own social group.

The Antidote

How can we remedy the present situation? Certainly, it is not simply a matter of people changing themselves. Minorities cannot suddenly become medical non-indigents. Health workers cannot willfully change their upbringing, education, values, priorities, or vested interests; indeed, these very attributes prove beneficial for other endeavors in their lives. The point is this: for individuals within each group *it is not their fault* that they are as they are. It is not reasonable to expect spontaneous alteration of the behavior patterns or intrapsychic milieu in either group. However, the following organizational changes can bring about the desired end result: better health care for all citizens.

1. *Patients' responsibility in their own health care must be recognized.* This means more than superficial "community participation" so often referred to in today's jargon. To use the Arnstein-Burke model, community responsibility for health matters means community power.[2,3] Merely telling our patients what we are going to do or bringing them into group settings where we can change their attitudes is not enough. The latter maneuvers only lead to empty clinics and indifferent service programs—in short, to community non-participation. As noted by Campbell, consumers must be involved in all levels and in all stages of planning.[4] It is most important that they be involved on the policy and planning levels; all too often they are only included as an after-thought at the time of program implementation.

A serious problem for health workers revolves around how and where to obtain organized, representative community participants. Communities vary widely in this regard. At times one or a few representative bodies are already operational. More often a variety of interest groups exist which are willing to assume shared responsibility in health enterprises. Rarely the worker might have to start from scratch in eliciting leadership. Spacer et al. stress the need for formal organization of such consumer groups, with election of members and by-laws.[5]

2. *Health care is best rendered by people who share the sociocultural mores and values of their patients.* In practice this means that indigenous workers should fill—or preferably, flood—every available position in health facilities. Where trained indigenous people are not already available, untrained people should be hired and trained. The superiority of this method in up-grading health care has been well-documented.[6,8]

D'Onofrio notes that such training imposes an added responsibility on health professionals, who generally have varying expectations of and attitudes towards indigenous workers.[9] However, this brings the real world of the community into the clinic or hospital setting, making the health facility a part of the community rather than an island in the community.

Health workers need to know about the aspirations, idiom, and daily activities of people they serve. Indigenous workers can serve as translators for outside professionals and as *amicus curiae* for patients.[10] In recognition of the importance of this role, non-certified indigenous workers should have their own hierarchy, with representation at a level with certified personnel. At the core of this strategy lies the realization that both the professional and the local inhabitant have knowledge which the other needs to provide health care.

The eventual goal, explicitly stated, should be for all health workers to be community people. To this end, clinic personnel should strive daily to put themselves out of their particular job. Indigenous workers should receive time and expenses to cover further training so that they can replace outsiders.

3. *Professionals must seek education for themselves and educate other professionals in health care methods for minority people.* This means more than knowledge acquisition; it involves attitudinal and behavioral changes. Many professionals are threatened when consumers share in decision-making; they subvert change while averring that they act in the best interest of patients.[11,12] Only by re-education and experience with new models can professionals come to accept change and recognize that it benefits patients in addition to making their own work more interesting and productive.

One means to accomplish this re-education within our ranks is by our own behavior, yours and mine. Our peers are more influenced by what we do than by what we say. If we work in new ways and find them successful, others will emulate us.

Another means—perhaps preparatory to the first—lies in training by interaction with indigenous people, as described by Carlow.[13] At one end of the spectrum this may involve coffee breaks with indigenous health workers at a neighborhood hamburger shop. At the other end of the spectrum, staff training might include weekly didactic presentations on topics of interest to both professionals and indigenous workers (i.e., poor housing and health, rat control, etc.) followed by group discussion.[14] Besides engendering a sense of cooperation between indigenous workers and professional foreigners, such methods will allow each group to close up the gaps in communication which presently exist.[15] From such beginnings will evolve health goals and programs which can elicit community interest and support.

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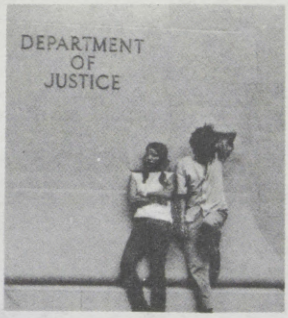
INDIAN POWERLESSNESS IN MINNESOTA

Joseph J. Westermeyer



Social institutions practice gross discrimination against Indian people in Minnesota—and they do so in the name of equality. Besides ignoring the real social needs of Indians, they often attempt to undermine Indian mores and values. Those institutions having the greatest contact with Indian people—the courts, police, welfare agencies and others—are the least adept at problem-solving and rehabilitation in the majority society. And institutions with a record of successful problem-solving have very little to do with Indians.

The incidence of infant mortality, child abuse, foster home placement, state guardianship of children, arrest (especially alcohol related arrest), imprisonment (especially property offenses), unemployment and accidental and homicidal death is many times higher for Indians than for the general population of Minnesota. Conversely, neonatal death, psychiatric hospitalization for both children and adults and suicide occur less often among Minnesota Indians. These rates are related to the degree of success or failure achieved by social institutions in solving Indian problems.

This relationship between Indian people and social institutions was the subject of a two-year investigation conducted between 1969 and 1971. Field activities concentrated on the three largest Indian reservations in Minnesota, larger towns near these reservations and the Twin Cities area. Church groups, private social agencies, federal bureaus, state departments, city police and city administration, county welfare and county sheriffs, teachers and attorneys, clinics and hospitals were consulted. Time spent with various officials and institutions ranged from a few hours, to several consecutive days, to repeated contacts throughout the study. Observations were made on the behavior of institutional workers toward Indian clients, patients, prisoners, students and parishioners.

Authority positions within the schools, clinics, social agencies, religious organizations and businesses serving Indian communities have been occupied almost exclusively by non-Indian people. The structure of these organizations has tacitly implied that Indian people are incapable of assuming responsibility for their education, health services, social welfare, religious needs and so forth. Where social institutions have included Indian people, they include them on the lowest levels.

Indian education in Minnesota demonstrated an important example of this structure and mode of thought. Minnesota society was attempting to teach majority-oriented material under the direction of majority educators to Indian children, despite the prevalent distrust of white people and disdain for middle-class values. The drop-out rate exceeded that of any other group in Minnesota. Indian students prematurely left their educational experience ill-prepared for life in either the majority society or in Indian society.

One of the factors affecting this educational experience was lack of local autonomy and control. While not an official tabulation, Table 1 shows positions held in several reservation schools in September 1969, as noted by observation and informant reporting. This sample showed the aggregation of white people in status positions and Indian people at menial tasks.

Table 1 — SCHOOL POSITIONS ON THREE INDIAN RESERVATIONS IN MINNESOTA, 1969

Position	Indian	White
Principal	1	4
Teacher	3	47
Secretaries	4	1
Bus drivers	6	0
Maintenance men	7	0

Based on observation and informant reporting (requests to the Minnesota State Department of Education for a racial categorization of employees have remained unanswered).

Indian school advisory boards have recently come into vogue both on the reservation and in urban centers. However, these boards can only advise. Unlike real boards of education, they are unable to set policy and cannot hire or discharge school employees. Thus Indian parents had, in effect, no authority over their children's education. Such administrative organization assumed that professional education was all important, while local autonomy and leadership capability had little

Photographs by Larry Frank

value. Were Indian leaders to determine goals and priorities, then professional and technical people (Indian and non-Indian) could implement them with an assurance that either success or failure would reflect on Indian leadership. But in the present context, the outcomes depend on an evermigratory series of non-Indian bureaucrats.

Another untoward finding was the tendency of Indian females to have more education than males. In the 1960 Minnesota census, the median school years completed among those 14 years of age and older was 8.6 years for Indian males and 9.0 years for females. In a 1969 survey of Indian students age 16 years and over, the number of females exceeded males. This suggested a subtle bias was operating to keep Indian males in a socioeconomic position not only inferior to non-Indian males but often inferior to Indian women as well.

High Unemployment, Low Income

As a whole, Indian people had the highest rate of unemployment and the lowest income of any racial group in Minnesota. Mean incomes averaged about one-third of income levels for the state. But it should also be noted that Indian men not only had less education than Indian women, but also more unemployment and generally lower status jobs. The male unemployment rate on reservations averaged 42 percent in 1969. In addition, these data demonstrated the trend for women's employment rates to equal and even slightly surpass those of men (58.2 percent for females, 58.0 percent for males in this survey).

Minnesota business and industry, while often glorifying "the Indian" in advertisements, have given Indian people short shrift when it comes to hiring them. Mostly Indians have worked at seasonal jobs which no one else wants—cutting pulpwood, ricing, guiding, road work and fishing.

One community psychiatrist practicing near a reservation gave a straightforward explanation of these figures, declaring that "discrimination is rampant in this town." While my own experiences in his area supported such a viewpoint, a number of fairly liberal men—mostly local businessmen and professionals—attested that such was not the case. They disavowed any malice toward Indians and considered them in no way different from other people. When they were asked the question: "But what if your son or daughter wanted to marry an Indian?" without exception a score of them admitted they would be strongly opposed (one volunteered that it would be worse if his daughter married an Indian than if his son did).

Medical services have had a major impact on Indian health in those areas where effective preventive measures are available. For example, these measures have reduced tuberculosis and other communicable diseases, as well as neonatal mortality (where prenatal care reduces infant death in the month following birth). Post-neonatal infant mortality, diarrhea and pneumonia deaths continue at an inordinately high rate, however. Deaths strongly influenced by individual behavior have increased over the last few decades: accidents, homicide, suicide, cirrhosis of the liver. Longevity is slowly increasing, but it is still two-and-a-half decades behind the general population. While mortality measures general health in a crude fashion, mortality statistics did suggest that medical care services (as distinct from preventive services) have had doubtful impact on Indian health problems.

As in the field of education, medical services also imputed to Indian people an inability to provide for themselves. Table 2 classifies Indian Health Service personnel on Chippewa reservations in Minnesota by race, sex and position. There were no Indian physicians, dentists or pharmacists. Chippewa women occupied higher status positions (nurses, medical secretaries) than did Chippewa men (janitor, maintenance work). Also, non-Chippewa Indian women tended to work at higher status jobs. Non-Indian men occupied the highest paid, most prestigious positions.

Indian people rarely used the Community Mental Health Clinic system in northern Minnesota. Staff people in those areas had a remarkably similar tale to tell. Most of their Indian referrals came from courts and social agencies; in these instances, the patient and family ordinarily gave less than willing cooperation. To the Indian citizen, the C.M.H.C. system served primarily as a way station for incorrigible psychotics and suicidal patients on their way to state psychiatric hospitals. Occasionally a patient with epilepsy or brain disease arrived for consultation. Notable by their absence were reactive or crisis difficulties, family problems, mental illness in early phases and alcoholism.

Nut Doctors

Psychiatric facilities in the Twin Cities area encountered Indian people in much the same fashion as in the northern mental health clinics. Indians did not utilize psychiatry as a first-call resource to find remedies for problems, but rather as a last resort on which to dump intolerable difficulties. As a result Indian informants perceived psychiatrists as "nut doctors" or some variant thereof. In turn, psychiatric health workers commonly described Indian patients and their families in psychiatric jargon using terms with negative connotations.

Except for occasional provision of hand-me-down clothes and secondhand refrigerators, the missionary, too, has not served significantly as a social resource among Indian people. Few Indians have attained status in church circles. Despite large numbers of nominal devotees, Catholics could not claim a single Indian priest in

Table 2 — INDIAN HEALTH SERVICE POSITIONS ON CHIPPEWA RESERVATIONS IN MINNESOTA - July 1, 1970

Position	Chippewa		Other Indian		Non-Indian	
	Male	Female	Male	Female	Male	Female
Physician	none	none	none	none	6	none
Dentist	none	none	none	none	4	none
Pharmacist	none	none	none	none	4	none
Nursing	none	17	none	2	none	7
Administration	3	4	none	1	1	none
Lab, X-ray	1	1	none	none	1	2
Dental Assistant	none	4	none	1	none	none
Clerical	4	6	none	none	none	4
Environmental Health	3	none	none	none	none	none
Dietary	5	8	none	none	none	none
Maintenance	14	2	none	none	1	1

Data obtained from Indian Health Service at Bemidji and supplemented by medical officers of I.H.S. as well as personal observation.

Minnesota: there was only one ordained Episcopal priest. A few Indian lay ministers could be found, but—like the priest—they were men well over 50 years of age.

Recently a fundamentalist evangelical sect has been gaining in popularity as Indian men have assumed ministerial roles. Of course the Native American Church (a pan-Indian religion in which peyote is used) has a long history in Minnesota. The traditional spirit religion still plays a role in the lives of some.

In both the rural counties and in the Twin Cities, police personnel possessed a wider experience with Indian people than did most other institutional workers. Complaints of police brutality suggested that the total police-Indian experience was solely a detrimental one. But such a simplistic viewpoint failed to appreciate the complexity of police-Indian relationships.

Police often played a paternal "rescuer" role to Indian people, especially when the latter were drinking. Inebriated Indians were removed from railroad tracks or highways where they had fallen asleep, rescued from snowbanks and inoperable cars in cold weather, taken off the streets when they posed a danger to themselves and traffic. As one might expect, regular "clients" dutifully acted the child's part. They even came to some jails while sober to seek a free meal or a night's lodgings when out of money. In repetitive scenarios demonstrating this police-Indian entente, officers of the law were seen cajoling their drunken, pseudo-belligerent charges into custody. The opposite reportedly occurred as well, especially in larger towns and cities—drunken Indians have been deprived of their bankrolls and obstreperous offenders have been beaten. Some officers appeared to have no patience with behavior they condemned morally and could not understand.

A private Indian organization in the Twin Cities developed an innovative cooperative program with police officials to subvert both these paternal and enemy roles played by peace officers. During the evenings, especially during warm weather, an Indian Patrol walked the streets around the Indian neighborhood. Originally started to watch the police (that is, to play the "adversary" game), it gradually developed service functions such as taking intoxicated persons home or injured persons to the hospital. Eventually police officers turned minor offenders over to the Patrol, and Patrol members assisted police in managing difficult situations.

Welfare departments ranked second only to the police in number of contacts with Indian people in trouble or distress. As with the police, their performance varied with the individuals concerned, the specific department and prevailing policy. Despite considerable range, however, certain generalizations could be made.

Lack of mutual trust and understanding marked the white social worker-Indian client relationship. Workers accused the clients of uncooperative attitudes, sloth and attempting to manipulate the worker. Clients accused workers of prejudice, excessive curiosity and superior attitudes.

Why should it be thus? Certainly differing value systems and communication skills accounted for part of it. But it went beyond that. Social workers wielded great power over Indian lives in Minnesota. Workers were restrained by laws and agency rules, yet there was much room to maneuver depending upon the elements of the case as they saw it. At one time or another the finances of virtually all Indians rested upon personal decisions made by social workers.

An even more potent cudgel was the worker's capability to take children away from Indian parents, a power which—as indicated by the large numbers of Indian foster children—was employed frequently. Many Indian

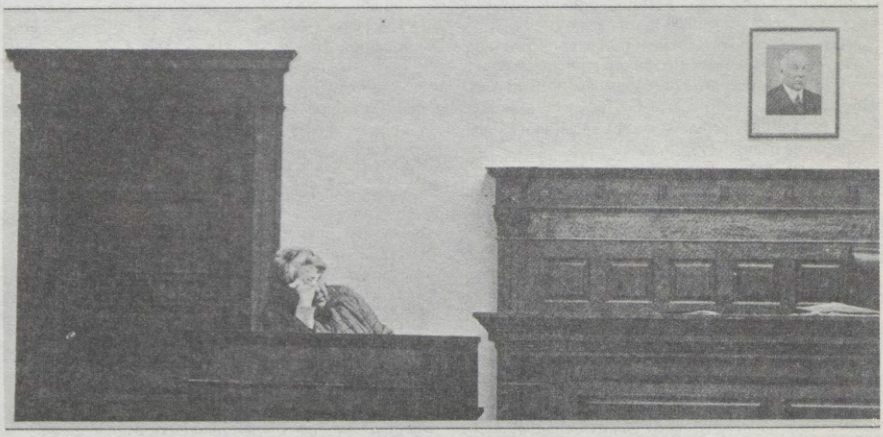
parents, considered reasonably responsible by their ethnic peers, did not hesitate to leave young children in the care of an eight- or ten-year-old child while they went shopping, working, partying or visiting. Appearance of a social worker on the scene has resulted in abandonment charges. Also, an Indian child in ordinary trouble at a good home or momentarily angry at his parents may opt to take off for the home of a friend or relative to spend a night or two until things settle down at home (a legitimate option for children in Indian families). Should the child choose a white social worker as "friend," he may be headed for a foster home.

Most Indian children were placed in white foster homes (of over 700 foster homes noted to be caring for Indian children in Minnesota during 1969, only two had an Indian parent). This fact was especially bothersome in that the rate of foster placement and state guardianship for Indian children ran 20 to 80 times that for majority children in all counties studied. An explanation for this may be found, not in humanistic philosophy, but in economics. Especially in rural communities the excessively large number of Indian children in foster care bolstered the local community, since federal funds rather than local funds paid for the foster home care and the welfare supervision. Again, this was an instance where the administration of Indian funds by state and county officials worked to the detriment of Indian people and the benefit of the nearby non-Indian community.

When the children were taken away by a social agency, the Indian couple split up immediately or soon afterwards (no exceptions to this were encountered by the author or reported by informants). Rather than working for family integration, the average worker simply took the children. And by the decision to do so, the social worker destroyed the family as a functioning unit.

Kinship ties were not totally broken for most foster children, however. Such children maintained kin ties with their defunct families as they went from one foster home to another. When they reached maturity, most of them rejoined Indian society, but without skills enabling them to live productively. That is, they were not adept at hunting or fishing or wild rice harvesting—skills useful on the reservation—nor had they obtained the skills or education necessary for a job in town. Appended to this were the psychosocial disabilities associated with the foster child syndrome (inability to trust, insecurity, free floating anxiety, difficulty in maintaining satisfying family living).

Another problem was the maze of rules and regulations governing county residence, tribal affiliation, responsible government unit (whether city, county, state or federal) and so on. Each level of government averred that another level held responsibility for Indian people.



Indian woman waiting to testify in behalf of another Indian woman seeking to regain custody of her children from the state.

Private social agencies varied widely in their services for Indian people. However, most social agencies serving Indians could be characterized as having non-Indian men in the highest positions, Indian women along with non-Indian people in intermediate jobs, and Indian men in the lowest positions. To compound matters further, Indians occupying intermediate levels often came from other tribes outside of Minnesota (sometimes from traditional enemies of local tribes).

In small towns near reservations, private social orga-

nizations were exclusively white-dominated and white-oriented in their services. Around Minneapolis a few agencies, such as the Community Information and Referral Service, assisted a sizeable proportion of Indian people. However, even in Minneapolis the services were relatively sparse when compared to the great needs. For example, the Directory of Community Services in Minneapolis included the following number of private agencies for various categories: unwed mothers, 8; Catholics, 6; Jewish, 4; Indian,2.

Indian Agencies

Those few agencies under Indian control deserve special mention. While these were few in number, their achievements were notable—especially in view of the long tradition of agency failures under non-Indian leadership. For example, a white attorney with a reservation Legal Aid agency controlled by Indians related that his clients trust him and present their problems openly:

> They need legal help badly. All reservations are crying for it. But the Legal Aid programs have been attacked by whites in reservation areas, including ours, and the Indians feel that if this is true we must be all right. They align themselves with us.

Statistical information concerning the relationships between Indians and social institutions and the resultant generalizations were, of course, important in understanding the treatment of Indians in Minnesota. Equally important were the attitudes of the people who made up these institutions. Interviews with institutional personnel abounded with surprises. Just as interactions with Indian citizen committees fractured old stereotypes of Indian incompetence, so too did these interviews disrupt many preconceived notions. Patience and frankness could be encountered in a sheriff's office, nihilism in a principal's office, rigidity in a community mental health clinic. Sufficient range of interview experiences was garnered to demonstrate that every social institution harbored entire spectrums, from nihilism to activism, from extreme flexibility to extreme rigidity. No one institutional form had cornered the market on backwardness or on enlightenment.

Many institutional leaders maintained a know-nothing attitude about Indian life, and how their institution might interrelate with and contribute to Indian life. Pressed to comment on the role of his school in the community, a white principal of a reservation school said:

> We'll tell you anything or give you any information about the school. We're the experts here. But we don't know anything about conditions outside of the school. We keep to ourselves.

Such an attitude implies that the educational function operates independently of the community whose children attend the school. In the face of such a stance (honestly and directly spoken by the principal), the high drop-out rate at his school came as no surprise.

Pseudo-egalitarianism was rife within the social institutions of Minnesota. According to official doctrine all citizens were treated equally, but in fact Indians were treated unequally by expecting all people to have the same Judeo-Christian Euroamerican system of values and behavior. Since all people in Minnesota were *not* the same in regard to their cultural mores and social problems, gross inequality in services resulted from treating everybody as though they were "the same." In effect, the true needs of Indian people were blatantly ignored or poorly handled. The argument could not be illustrated better than it was by a community psychiatrist who, when asked about statistics on Indians in his case load, spoke heatedly:

> All of the people in these counties pay for this (sic) data. If it can't benefit them, it won't be released. There aren't Indians and non-Indians in these communities. They're all citizens. They all benefit from the services here.

According to this man's staff, the Indian community did not use the services offered at the clinic. The single "preventive psychiatry program" for Indian people in this community consisted of stringently enforced school attendance, an action taken independently of the Indian community and enforced by the local sheriff's office.

A further social harm resulted from this pseudo-equal policy—the forcing of foreign social values on a minority people. In order to benefit from social institutions as constituted, Indian people were expected to behave in ways which are odious to them. This amounted to de facto attempts at ethnicide.

"Save the Indians"

Many young social and health workers openly admitted an initial messianic motivation to "save the Indians" when they began their work with Indian people. They wished to help the noble savage, fallen from grace, back to his rightful place of honor. But fatalism soon replaced their altruistic ardor. One young physician with the Indian Health Service acknowledged:

> The hard core alcoholics are irritating to the point you'd want to shoot them. They're mean and vicious when they're drunk. The police come and drop them in your lap. The medical set-up here is perfect, but you can't call this a hospital . . . . These (alcoholic) patients chew up the most time and money. Generally they die anyway. You might say our worst problems have been resolved by death.

Indians were observed to respond to such treatment by social institutions with three types of behavior: 1) open noncooperation, 2) covert passive-aggressive harassment and 3) deception. Personnel from social in-

stitutions complained that one or all of these dispositions characterized Indian-institution relationships. In my own experience with hospitalized Indian patients, each of these was indeed encountered frequently and in combination.

It should be noted that almost all such cases of non-cooperative, passive-aggressive ploys and manipulation occurred in a context of majority-dominated institutions. Within Indian-dominated organizations, such unproductive mechanisms (while not altogether absent) were significantly less prominent. In the absence of such maneuvers within the ordinary Chippewa or Sioux family in Minnesota, one could not avoid the implication that these Indian people have learned or have been trained to behave this way as a result of contact with various institutions.

Institutional Mismatch

Those social institutions with which Indian people have the most direct contact emphasized neither rehabilitation of their clients nor removal of clients from the cycle of need for continued services. Courts, jails and prisons protected society. State mental institutions served to hide deviant behavior. Missionary religions wanted faithful converts. Acute medical services operated in crises, with little care for health maintenance. Educational systems were trying to acculturate Indian children into the majority society. Welfare and federal agencies served the legislative programs which created them and which annually infused fiscal sustenance; and they did this in a way which primarily benefitted non-Indian people.

Social resources with problem solving or rehabilitation emphasis had little or no contact with Indian people in Minnesota. These included business, industry, unions and co-ops; community clinics and general hospitals; trade schools, colleges and universities; city and county government; private social agencies and attorneys; self-run parish groups. They are smaller, more responsive to individual and family needs, more goal-oriented than procedure-oriented and more prone to repeated performance evaluation from within and without. These social forms tend to foster autonomy. Faced with a problem, they lend themselves to a period of mutual cooperation after which the individual or family fades as an identified "problem" and resumes status as an ordinary citizen.

Cooperative efforts between social institutions and Indian communities have been peculiarly absent. Where such cooperation does occur to some degree, problems are solved. Where non-Indian authority dominates, problems persist—problems which can only be resolved by surrendering responsibility for Indian lives to the Indian community. □

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Alcoholism

Violent Death and Alcohol Use

Among the Chippewa in Minnesota

JOSEPH WESTERMEYER, M.D., Ph.D. and JOHN BRANTNER, Ph.D.

IN DOING CLINICAL work with Chippewa patients, histories of multiple traumatic events are commonly obtained. Moreover, in taking family histories with these patients, violent deaths appear to be frequent. For example, among the first degree relatives of thirty Chippewa alcoholics, 23 out of 81 deaths (28.4%) occurred by accidents, homicide, or suicide.

The literature demonstrates a high association between violent death and alcohol use. Postmortem examinations, done on single vehicle accidents in New York, demonstrate that two-thirds of the fatalities have blood alcohol above 0.05%.[1] Among car accident casualties in New Zealand, sixty percent have blood alcohol of 0.10% or higher.[2] Using the case study method, over a third of fatal accidents have been shown to involve chronic alcoholics.[3] Other violence also bears a strong relation to alcohol, as demonstrated by breathylyzer tests on victims of fights, assaults, and home accidents in a Boston emergency room.[4]

Violent death may be common among Chippewa people. Among other groups of people violent injuries or death are frequently associated with alcohol usage. We were therefore interested to see first, whether violent death is common among Chippewa; second, whether violent death is associated with alcohol use among Chippewa; and third, how the epidemiology of violent death among Chippewa differs from the general population and other Indian groups.

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Method

Vital statistics for the state of Minnesota include "Indian" as a racial category. In the 1960 census, 95.4% of Minnesota Indians were estimated to be Chippewa. Thus, the category "Indian" in Minnesota virtually means Chippewa people.

Postmortem investigations are performed for all cases of violent death by the Hennepin County Medical Examiner. Investigation includes chart review, autopsy, police report, and—where indicated—analysis of blood or gastric contents for alcohol. Again, "Indian" is a racial category in these data. Based on information from the American Indian Employment Center in Minneapolis, between 80 and 90% of Indians in the area are Chippewa. As a result, detailed autopsies are available for those Chippewa people who die in the Minneapolis area.

Methodologically, data from urban Chippewa must be cautiously applied to the state-wide Chippewa population. Supportive information suggests that such a generalization can be reasonably made.

Data

Minnesota Vital Statistics

Violent Death Among Minnesota Indians. Violent deaths comprise the most common form of death among Minnesota Indian people during 1965-67 (Table 1). While one out of four Indian people die by such causes, only one out of twenty occurs in the general population. This category ranks fourth in the general Minnesota popu-

TABLE 1
Major Causes of Death
State of Minnesota
1965 - 1967

Cause of Death	Indian People					
	Rank	Number	% of all deaths	Rank	Number	% of all deaths
Accidents, violence	1	120	25.8%	4	5,205	5.3%
Heart disease	2	105	22.6%	1	37,666	38.2%
Pneumonia, influenze	3	40	8.6%	6	2,826	2.9%
Dis. Digestive System	4	36	7.7%	5	3,303	3.3%
Cancer	5	34	7.3%	2	17,107	17.4%
Stroke	6	23	4.9%	3	13,294	13.5%
Other	—	107	23.0%	—	19,208	19.5%
Total		465	99.9%		98,609	100.1%

lation. Despite the relatively small number of Indians, the differences are highly significant ($P < .005$).

Hennepin County Medical Examiner

Violent Deaths, Hennepin County. During the years 1964-69 inclusive, 3305 violent deaths came to the attention of the medical examiner. Of these 41 (1.24%) were tabulated as Indian. Table 2 indicates the individual numbers for non-vehicular accident, vehicular accident, homicide, and suicide.

TABLE 2
Violent Deaths
Hennepin County Medical Examiner
1964 - 69

Cause of Death	Total Number of Deaths	Indian Deaths Number	Indian Deaths Percent of Total
Non-vehicular accident	1411	21	1.49%
Vehicular accident	1047	11	1.05%
Homicide	229	7	3.06%
Suicide	618	2	0.32%
Total	3305	41	1.24%

Non-vehicular Accidental Deaths. Of 21 Indian cases, 15 were judged to be alcohol related based on the medical investigation. Ages for all alcohol related deaths ranged from midteens to midfifties, while deaths not related to alcohol occurred in infancy or after the late fifties. Alcohol related causes of death included: falling (seven people), acute alcohol intoxication (three), carbon monoxide poisoning (three), and drowning (two).

A comparison was made between the Indian deaths (1964-69) and "all" deaths in 1969 (Table 3). A marked difference in mean age is noted, due to the greater proportion of elderly people in the "all" sample. By excluding all persons age 70 or older, the adjusted mean ages so obtained are similar. Sex ratios for both groups are similar.

Of those blood alcohol tests having positive results, the mean level of Indian tests is higher than the "all" tests. Contributing to this difference are several cases of non-Indian people dying of intoxication from alcohol plus other drugs (barbiturates, amphetamines, analgesics). Intoxication deaths among Indian people involve alcohol only.

Vehicular Accidental Deaths. Seven of the eleven Indian deaths were judged as alcohol related. In comparing Indian and "all" deaths for age, sex, and blood alcohol, differences between the two groups are not significant.

Homicide Deaths. Of the seven homicide victims, four had elevated blood alcohol at the time of death. Comparisons for age and sex do not demonstrate significant differences between the two groups. However an age disparity may be present: mean Indian age falls two decades behind the general population. Despite the few Indians in the sample, statistical testing for age does demonstrate a significant difference at the .005 level of probability (Table 4).

Suicide Deaths. One of the two Indian suicides was alcohol related. With so few Indian suicides

TABLE 3
Characteristics of Violent Death
Hennepin County Medical Examiner

Category	Indian deaths (1964-69)	All deaths (1969 only)
Non-auto accidents		
Number	21	297
Mean age	37.5 years	53.4 years
(Adjusted age)	(35.2 years)	(34.9 years)
Percent males	62%	63%
Mean blood alcohol (pos. tests only)	0.267%	0.207%
Auto accidents		
Number	11	163
Mean age	38.1 years	36.6 years
Percent males	73%	67%
Mean blood alcohol (pos. tests only)	0.175%	0.176%
Homicide		
Number	7	40
Mean age	18.3 years	38.7 years
Percent males	86%	77%
Mean blood alcohol	0.155%	0.177%
Suicide		
Number	2	101

available for scrutiny, comparisons are meaningless. However the paucity of suicides is itself a significant finding worthy of further attention.

TABLE 4
Comparison of Homicide Victims by Age
Hennepin County Medical Examiner

Age Group	Indian deaths (1964-69)	All deaths (1969 only
Less than or equal to 25 years	7	12
Over 25 years	0	28

Fisher Exact X^2_1 = 14.3, <P .005

Blood Alcohol Tests. Blood alcohol tests offer a fairly objective standard for comparison between the two groups. Since the number in any one subcategory of violent death is small, there is value in grouping them together. As noted in Table 1, the relative proportion of Indians to the general population varies for each category. However, the two largest categories, vehicular and nonvehicular accidents, do not vary as widely as do the two smaller categories, homicides and suicide.

Blood specimen for alcohol content tend not to be taken from the very young or the very old. Among those who survive a long time posttrauma, an autopsy alcohol specimen is of no value. So blood alcohol specimens are reserved for persons who may have recently taken alcohol. Comparing the Indian and "all" groups in Table 5, significantly more specimens have been taken from Indian persons at autopsy (at $P < .025$). Table 6 demonstrates that significantly more Indians have positive blood alcohol tests at autopsy relative to the general population ($P < .005$).

Discussion

Incidence of violent death among the Indian people of Minnesota is five times that of the general population. Based on data from Minneapolis, Indian violent death appears to be associated with alcohol to a significantly greater extent than in the general population.

TABLE 5
Comparison for Taking Blood Alcohol Specimens
Hennepin County Medical Examiner

Category	Indian deaths (1964-69)	All deaths (1969 only)
Specimen taken	26	269
Specimen not taken	15	331

$X^2_1 = 5.23$, $P < .025$

Despite these disparities between the two groups, notable similarities occur as well. Proportion of males and females does not vary significantly between Indians and the general population. Mean blood alcohol levels, taken from positive tests only, compare closely. Difference in mean alcohol level among nonvehicular accidental deaths appears related to the use of other drugs in the general population and the absence of such use among the Indian deaths.

Age distributions coincide only for the vehicular accident category. However, if persons aged 70 or older are excluded from nonvehicular accidents (few Indian people survive that long), then the two groups also compare closely for age. Only among homicide victims does there appear to be a significant age discrepancy, with Indian victims being significantly younger. Of interest here also is the relatively high rate of homicide victims in the Indian group.

These observations, the young age and high rate of Indian homicide victims in Minnesota, have been noted for Indian people in general in the United States.[5] Thus, the Minnesota Indian population, while unlike other Minnesotans in these regards, resembles other Indian people.

Minnesota Indian people appear to differ regarding suicide, however. Nationwide Indian statistics,[5] as well as work done by Dizmang and Resnick among tribal groups,[6-8] indicates quite a high rate of Indian suicide. One might wonder whether Indian suicide data from an urban area such as Minneapolis might be misleading or whether Chippewa people actually have less suicide.

Paredes[9] collected vital statistics from northern Minnesota, including Beltrami and Cass Counties where Chippewa reservations are located. His records cover 20 years (1940-64) and include homicide and suicide figures by race. Using the 1960 population for Cass and Beltrami Counties, the following crude homicide rates are obtained: 7.0 per 100,000 Indians per year, versus 1.3 per

TABLE 6
Comparison for Results of Blood Alcohol Specimens
Hennepin County Medical Examiner

Category	Indian deaths (1964-69)	All deaths (1969 only)
Alcohol present	23	118
No alcohol	3	151

$X^2_1 = 18.94$, $P < .005$

100,000 non-Indians per year. Again using the 1960 population as a denominator, crude suicide rates are: 6.1 per 100,000 Indians per year, and 10.7 per 100,000 non-Indians per year. Thus, for reservation areas, Chippewa homicide is much higher and Chippewa suicide is somewhat lower as compared to the general population. These rural data coincide with the urban statistics, both indicating a relatively low rate of Chippewa suicide and a relatively high rate of Chippewa homicide.

These differences in suicide rates among Minnesota Indians (mostly Chippewa) as compared to other Indian groups underscore an important point. While it is proper to look for trends and similarities among ethnic groups, it is an error in logic to assume conditions prevalent among one Indian tribal group will be present among another tribal group. The exceptions to general rules may provide clues.

There are no satisfactory explanations for the low rate of Chippewa suicides relative to the general Minnesota population and relative to other Indian groups. In fact prior clinical experience would have suggested a high rate. For example, 10 out of a series of 30 Chippewa alcoholics admitted to at least one suicide attempt, and several more reported suicidal preoccupation. In the last year at our institution, three Chippewa girls have gestured suicide by scratching or cutting their wrists during hospitalization. While one might logically argue that the "plea-for-help" gesture might inveigh against actual completed suicide among the Chippewa, we have no other data to support this contention.

The question inevitably arises: Why so much violent death among Minnesota Indians? In addition the exact nature of the alcohol-violence relationship is not clear. Is there more alcoholism among Indians in Minnesota? Do alcohol use and violence-seeking comprise a form of suicide, or perhaps function as a depressive equivalent? Or does risk-taking combined with alcohol use function as a mode of obtaining prestige? Or relieving boredom?

Conclusions

Violent death occurs five times more often among Indian people in Minnesota (most of whom are Chippewa) than among the general population. It is the most common cause of death for Indians in Minnesota during recent years.

In Minneapolis, violent deaths among Indians are significantly more often associated with alcohol use than in the general population.

In general, Chippewa victims of violent death resemble such victims in the general population with regard to sex, age, and blood alcohol level. A notable exception to this is homicide, which occurs at an earlier age among Chippewa (as it does among other American Indians). Homicide occurs particularly often among Chippewa, whereas, unlike other Indian groups, suicide is not so frequent.

Acknowledgement

Appreciation is expressed to Dr. Sidney Finklestein and Mr. Robert Hiller of the Minnesota State Department of Health, Dr. John Coe of the Hennepin County Examiner's Office, and Dr. Jacob Bearman of the Department of Biometry at the University of Minnesota.

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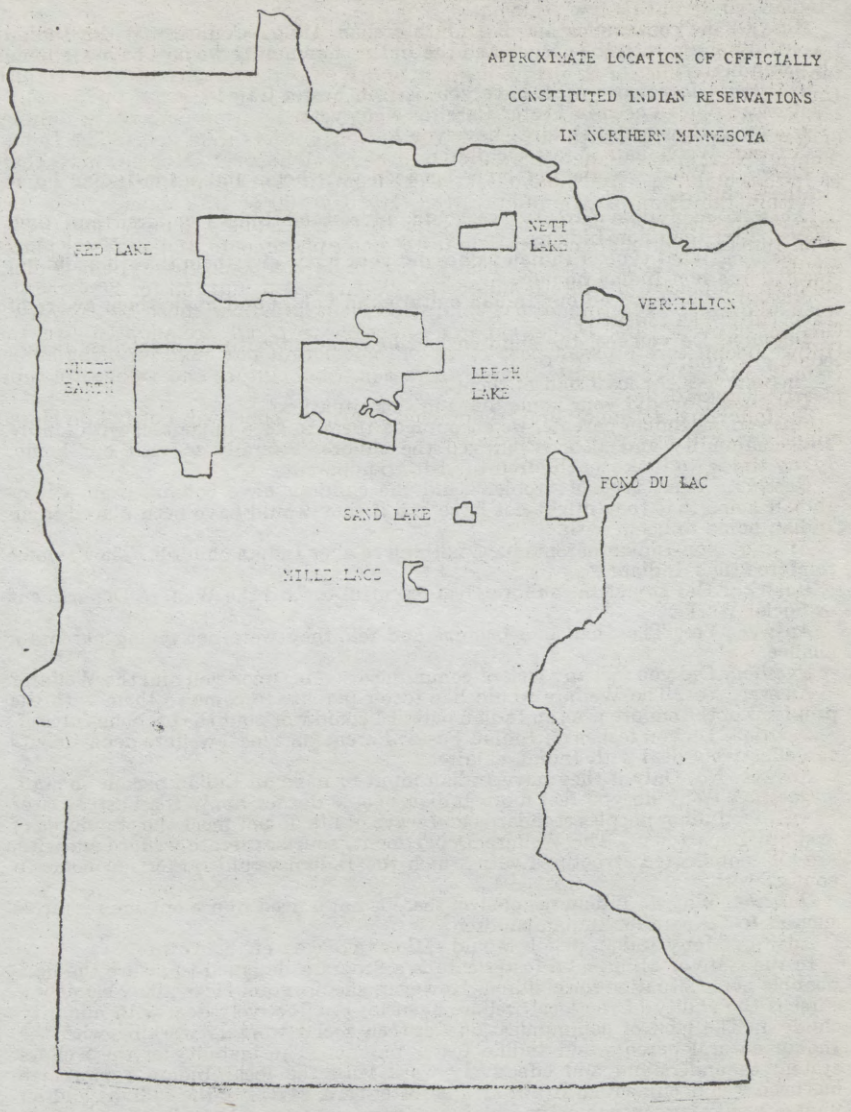
Indian Child Welfare Crisis

The Indian Youth Program, headquartered in Duluth, Minnesota, serves four reservations in Northern Minnesota, and the City of Duluth. The program is funded by the Office of Health, Education and Welfare, with a grant to the Duluth Indian Action Council and this summer will begin its third year of operation.

The program is designed to alleviate the atrociously disproportionate number of Native American youth in juvenile institutions in the target areas. The Indian Youth Program has made it a priority to exhaust all means to stop the mass theft of Indian children, (Anishinabe-Oski-neeg) from their tribe and homes.

Within the State of Minnesota, over $1,040,000.00 of BIA monies alone per year is funneled into the State to pay for this child robbery. Thirty four (34%) of all Indian children are currently in foster home placements. Indian foster placements to white homes is big business in Minnesota. Countless young Indian children are placed in white families where many sweat and toil for fifty cents a week allowance. Discriminatory child placement practices must be stopped!!! One out of every three Indian children under one year old, are adopted. We, the Ojibwe people, are a proud people, we will not permit our children being stolen from us and placed in white homes where our tribal culture and values are completely disregarded.

The following testimony and recommendations, we hope, will not fall on closed minds, but will sincerely be listened to.


APPROXIMATE LOCATION OF OFFICIALLY
CONSTITUTED INDIAN RESERVATIONS
IN NORTHERN MINNESOTA
RED LAKE
NETT
LAKE
VERMILLION
WHITE
EARTH
LEECH
LAKE
FOND DU LAC
SAND LAKE
MILLE LACS

This is an interview with a licensed Indian family. This was the only licensed Indian family until a few years ago.

Due to the communication of Duluth Indian Action Council and the Indian Youth Program with the agency and the Indian community we now have eighteen licensed homes.

Question. How many years have you been in Foster Care?

Answer. We've been in Foster Care for eight years.

Question. How many children have you had.

Answer. We've had 15 foster children.

Question. What was the difference between your home and a non-Indian home to these children?

Answer. As Indian parents, we could understand Indian children and their ways better than non-Indians.

Question. What type of Indian values did your home give them that they did not receive in a non-Indian home?

Answer. We practiced our Indian culture and values and made them aware of their culture and identity.

Question. Do you feel the children had lost contact with their families before coming to you?

Answer. Yes. At least half of them.

Question. How did your home differ in this situation?

Answer. As Indian parents, we encouraged them to keep in contact with family and community and also encouraged the children's family to visit our home. Many times we took the children to visit grandparents.

Question. What type of problems did the children have coming from a non-Indian home that they might not have had if they would have been placed in an Indian home to begin with.

Answer. Non-Indian parents have nothing to offer Indian children. They cannot reinforce their Indianness.

Question. Did any of the children feel resentful toward the Welfare Department or Social Worker?

Answer. Yes. They had bad feelings and felt they were not giving parents a chance.

Question. Did you feel any lack of communication between you and the Welfare?

Answer. Yes. The Welfare would like foster parents to come to them with the problems of the children. As an Indian parent I could work out the problems myself.

Question. Do you feel as an Indian Foster Parent that local welfare departments can effectively deal with Indian children?

Answer. No. Only if they have Indian input or have an Indian person on staff.

Question. Why do you feel more Indian people do not apply for Foster Care?

Answer. Indian peoples standards and ways of life do not meet the standards of Welfare Department. The Welfare Department, courts, private welfare agencies, are all complicated structures with which the Indian would rather not come in contact with.

Question. Why do Indian people feel there is not a need to use outside resources such as foster care for Indian children.

Answer. Many Indian people would rather take care of their own.

In the state of Minnesota, foster care is a program designed to insure the best possible home situation for children. However, the program lacks many elements. First is the ability of the local welfare agencies to effectively deal with minority children. The lack of communication between social workers working with the Indian natural parents and Indian foster parents. The inability of the welfare system to understand and effectively work with the local Indian community has been well documented. In the area of foster care, 31.3% of the Indian children under twenty are in some type of foster care situation. Second is the lack of Indian foster homes for Indian children. In counties surveyed by the Department of Health and Social Services with large Indian populations, there is serious lack of licensed Indian foster homes. The reasons for this are numerous, but two things standout. The first is the amount of substitute care that exists within the Indian community. This is a natural outgrowth of the culture of the American Indian. Indian tribes have always looked after the children of the tribe. There was never any need to use outside resources for tribal members. The other important reason is the license requirement. Most families do not understand the necessity for them to provide an adequate home for other younger tribe members. Third. is the bureaucracy that surrounds the entire foster care program. The

Welfare Department, the courts, and private welfare agencies, are all complicated structures with which the Indian would rather not come to grips.

DIANNA MANGAN,
Foster Home Developer.

The population of Indians in Minnesota is approximately 1%.

Of all children in Minnesota 70% of cases guardian or parents, Indian children ratio is 59%.

Commissioner of Public Welfare acts as legal guardian of 2989 children all of whom are dependent or neglected, that is 8.2% of total Public child Welfare case load.

White children 6.3% of all White children, somewhat lower than total ratio of 8.2%.

Ratio of Indian child is much higher—19.5%, as is ratio of Negroes (16.6%)

Children under state guardianship (Mental & Epileptic) 7.7% are white children, 1.3% of Negro, and 0.8% Indian.

Children in foster homes is 17.1% of total case load. Indian children foster care is largest single catagory accounts for 31.3% of all Indian children. Comparable figure for White and Negro children nearer the total figure 15.4%, 19.2% respectively.

Public number of children by race. Public and Private case loads. *Public* total case load of 36,256. Indian children were 3220=8.9%

Key Counties:

Becker—55.8%
Beltrami—47%
Cass—70%
Carlton—28%
St. Louis—11.6%
Hennipen—9.9%
Ramsey—4.4%
Atkin—7.6% (15 children)
Chicago—10.8%
Clear Water 52.9%
Cook—23.8%
Hubbard—25.5%
Itaska—13.2%
Kooching—25.5%
Manoman—72.2%
Mille Lacs—40.3%
Pine—17.5% (50 children)
Pipestone—15.8%
Roseau—8.9% (21 children)
Traverse—12.5%
Yellow Medicine—19.1%

PRIVATE AGENCY

Catholic Social Science Association (St. Paul) 45.8% case load Lutherans 4.7% is Indian.

Childrens guardianships total 36,256—3220 are Indian Parents 25,426, Indian 1904

Commissioner of Public Welfare

A. Dependent or neglected 2989 total, 627 Indian (20%?)

B. 2376 Mental or Epileptic, 26 Indian

This doesn't mean there aren't any—may not take our kids who are.

Legal custody for County and Private—Total 3154, Indian 454

Of County Welfare roles take guardianship away double the rate on Indian parents.

Hennepin County Case load 9475—White/6984, Negro/1505, Indian/934 Other/52

Foster Homes: Total 1880—White/1298, Negro/296, Indian/268

Those that stay with parents: Total 5461, White/3913, Negro/1016, Indian/510.

St. Louis County total: 2725, White/2307, Indian/317

With parents 188

Dependent or Neglected, Commissioner of Public Welfare 306 Total, white/201, Indian/89. (1/3 Indian kids on Welfare)

Legal custody—Private agency Total: 242, White/198, Indian/28 Foster families—Total: 469, White/335, Indian/105(1/3)
Rural totals of Minnesota 17,847, Indian/1695
With parents, 12,834, Indian 987
Rural Public Welfare Commissioner—total 911, Indian/283.
Legal custody or private agencies total 1959, Indian/283
Foster homes—total 2775, Indian/551

Involvement in Criminal Justice System by Indian Foster Children

My involvement with the Indian youth of Duluth has taken me into many areas. One of these areas has been the juvenile justice system and the subsequent results.

Of all the Indian youth that I have been in contact with through the justice system, 80.5% of these kids have been or are involved with foster homes or group homes. Of these youth, the large majority of them have been forced or very subtly pushed into forgetting their people and their culture. The cultural shock of being removed from their families has been devastating to these young Indian people. The forcing of alien values, beliefs and culture has produced another group of very confused and unfortunately, partially assimilated or totally assimilated young Indians.

The practice of removing young Indians from their families has become a big business for white families and a cop-out for the Welfare system. The saving of Indian youth from their own people has become the answer to the so-called Indian problem. Welfare sits by and gives white foster parents the job of raising Indian children as good Christian Americans with a sense of value and worth, instead of allowing that child to remain in his home and retain a culture of beauty, rationale and spiritualness.

Again, white people are getting rich off the Indian. The white man has used the Indian's art, handicrafts, land base, bodies and now their children to obtain the almighty dollar. The entire practice of foster placement is a disguise for further humiliation, destruction of family life, assimilation of a people and the ultimate genocide of the American Indian.

The cycle never ends for Indian youth because the child cannot relate to his white foster parents and their values. He or she builds up a resentment that can take many manifestations. Unfortunately, most Indian youth take the route of breaking the law and thus becoming involved with the juvenile justice system. This involvement only gives the courts and welfare the excuse to continue foster care. The scale of Indian flesh by Welfare to white foster parents is a poor excuse for a solution to the Indian problem. When, in fact, the real Indian problem is the whiteman himself. The young Indian never learns to cope with his new environment because the foster parents far too often see him or her as a meal ticket. He is never accepted as an Indian; he always has to change to the foster parents ideas of a young adult or child. School is a problem because the foster parents and the school have their pre-conceived ideas of the Indian as a low achiever who will never amount to anything.

The sensitivity and human care for young Indians died with the Sand Creek Massacre, the Washita Massacre and the Wounded Knee Massacre. Money has replaced humane attitudes in the whiteman's world and thus the Indian is sold on the block as a slave. He or she becomes a slave to a demoralizing, dehumanizing, ineffective and outdated set of values and beliefs.

There are no other conclusions to draw except that the Indian has been and still is being forced from his world into an alien one. The Indian is still not recognized as a human being with rights and privileges, even though he was given his life in all the major wars of this century, honored his end of the treaties, respected the flag and accepted the principles that this country was based on.

Stealing our future as a people is one of the greatest crimes the whiteman has ever devised. He justifies it with the fact that the Indian is a "pagan", a believer in the preservation of nature, a non-user of mineral resources, a non-destroyer of the land and a family man. All of which have gone by the wayside because they don't adhere to progress and civilization. The whiteman has used progress as an excuse to conquer and own all, including people of other cultures. No one asks the Indian how he feels and what he believes, because after all he is only a pagan savage with a thirst for the whiteman's medicine, alcohol.

The entire question of Indian parents rights has been violated. The Indian parents have never been consulted about their children and whether they can be

or should be removed from home. Home may only be a 2 or 3 room house, but it is a place of love and understanding, not a place of materialistic values and insensitive ideas about the darker races of the world.

The Welfare is insensitive and immoral when it comes to Indian feelings, beliefs and rights. The law has never been upheld for Indians and their fight to retain their children. A double standard exists in the Welfare system for Indians and parental rights and only the whiteman can do away with that standard. The law was created by the whiteman and is used by him to get what he wants. Too often, the whiteman uses his law to protect himself from his moral obligations to the Indian.

Only the whiteman can change and sacrifice because the Indian has done too much of both. The need for justice exists, what will the government do to equalize the whiteman and the American Indian.

ED HOWES,
Duluth Youth Worker.

INDIAN FOSTER CHILD

The following is testimony by Vincent Martineau, 23 years old, of the Fond du Lac Indian Reservation. Mr. Martineau spent a great portion of his childhood off the reservation and placed in white foster homes. Billy Blackwell of the Indian Youth Program questioned him.

Question. At what year were you taken from your family?

Answer. September, 1963—13 years old.

Question. Why were you taken?

Answer. My father died. They thought my mother couldn't take care of us.

Question. Were you taken off the reservation?

Answer. Yes. Twenty miles away. I was placed in jail 17 days while they attempted to find me a foster home.

Question. Were you taken to a non-Indian family?

Answer. Yes.

Question. How many non-Indians families have you and your brothers and sisters been shipped off to?

Answer. 14 families.

Questions. How many brothers and sisters do you have?

Answer. Seven.

Question. What kind of effect did moving you off of the reservation—away from your natural parents and family have on you?

Answer. They took me away from my people, from my family, all my friends, brothers and sisters, everyone. I lost all my Indianess, language, religion, beliefs, my entire sense of belonging.

Question. As you've grown up, have you felt the hurt of being taken away? Do you miss the time being away from your people?

Answer. Yes. I especially feel for the same problems for my brothers and sisters. They lost everything.

Question. Have you or your brothers and sisters ever been literally instructed to discontinue or forget your Indian People and their beliefs?

Answer. Yes. Definitely.

Question. Have you or your brothers and sisters ever been in trouble criminally as juveniles?

Answer. Yes. To a large extent.

Question. Do you attribute any of this to your being placed in white homes?

Answer. Yes.

Question. Why?

Answer. It built in me a resentment, a feeling of anger, they had stolen everything from me. I was mad at the world. I didn't care.

Question. Do you know other Indian children in this area of Minnesota who have been placed in white foster homes?

Answer. Yes.

Question. How many?

Answer. Over 80% of the children of the village I grew up in, Sawyer, on the Fond du Lac Reservation. The population is 280. Since then I have met many who were also in foster homes.

Question. Would you say, putting Indian children in Minnesota, in white foster homes by welfare is big business?

Answer. It certainly is.

Question. Do you think you will ever recover from what happened to you?

Answer. I hope so. . . . I just don't know.

"The utmost good faith shall always be observed toward the Indians; their lands shall never be taken from them without their consent; and in their property, rights and liberty, they shall never be invaded or disturbed, unless in justified and lawful wars authorized by Congress; but laws founded in justice and humanity shall from time to time be made, for preventing wrongs being done to them, and for preserving peace and friendship with them."

The language of this ordinance was reaffirmed with minor changes by the first Congress under the Constitution in 1789.

In 1953, Congress approved House Concurrent Resolution 108 which, contrary to the "utmost good faith" which is "always" to be observed toward Indians and contrary to the principles of the Indian Reorganization Act of 1934, purported to end federal responsibility for Indian affairs. Thus, House Concurrent Resolution 108 was the first formal enunciation of the termination policy of the 1950's. Public Law 280, enacted 14 days after House Concurrent Resolution 108, was part of this termination policy.

Public Law 280 provided for what seems to be a unilateral assumption of civil and criminal jurisdiction by states over Indians without the consent of Indians. Many Indian tribes and people at this time objected to the law as written and asked that an amendment be attached to the legislation which would require a referendum among Indians before the state could assume jurisdiction over them. Congress did not heed to the Indian wishes, and it became law, as is. There seems to be a serious legal question as to whether Public Law 280 has any validity in any state, regardless of how that state assumed jurisdiction because, in the absence of Indian consent, Public Law 280 as part of the policy of termination could well be an illegal attempt by the United States abrogate its responsibility to the Indian people.

Throughout the administrations of John F. Kennedy, Lyndon B. Johnson and Richard M. Nixon, administration policy has been one of self-determination by; Indian people. Public Law 280 runs against the grain of todays national policy. Therefore, it is the consensus of the Indian people of Duluth, Minnesota that Public Law 280 be abolished and new laws be enacted which would be in line of the present self-determination policy.

SPECIFIC RECOMMENDATIONS

(1) That an Indian child care agency (possibly the Minnesota Chippewa Tribe, Sioux Communities, and urban populations) be established and contract directly with the federal government for all D/HEW and BIA funds for child caring services; that is, set up their own field offices and case workers.

(2) To begin the return of Indian children to their natural homes or Indian foster or group homes, and a drastic lowering of the adoption rate of Indian children by non-Indian families.

Furthermore, that this Indian child that this Indian child care agency be given thorough supervision of all Indian children in foster and group care.

(3) That Indian parents facing termination of parental rights hearings be given thorough knowledge of their right to a court appointed attorney.

(4) That Congress authorize and make funds available for the position of the Division of Child Welfare and Family Protection Services within the Department of Health, Education and Welfare.

(5) That new laws be enacted regarding the make-up, operation, and philosophy of all juvenile treatment facilities and institutions to better ensure treatment and not punishment.

(6) Recommendation on Public Law 280 (67 stat. 588) as enacted by the 83rd Congress, 1st session, August 15, 1953. Pertaining to the original policy of the United States of America, the Northwest Ordinance of 1787 provides a oft quoted reminder of "original" federal policy toward Indians:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
SOCIAL AND REHABILITATION SERVICE,
Washington, D.C., April 18, 1968.

(State Letter No. 1031)

To: State Agencies administering approved public assistance plans.
Subject: Eligibility of Indians, Including Those Living on Reservations, for Medical Care and Services Under Provisions of Social Security Act.

Questions have been raised which indicate States may not be clear as to the eligibility of Indians for medical care and services provided under the Social Security Act.

The following interpretations are aimed at resolving any uncertainty in this regard:

1. Indians shall have the same rights to receipt of medical services under a State plan approved under any of the public assistance titles of the Soical Security Act, including title XIX, as do all other individuals in the State who meet the State's eligibility requirements.

2. In the case of a person who qualifies as an Indian beneficiary, the Division of Indian Health, Public Health Service, Department of Health, Education, and Welfare, may assume *residual* responsibility for medical care and services not included in the appropriate State plan, and for items that are encompassed by the plan, if such Indian chooses to utilize the Indian health facilities, without affecting the eligibility of the Indian under the State's medical assistance or other public assistance program.

3. Under the provisions of its approved medical assistance plan or other public assistance plans, the State agency responsible for such plans has *primary* responsibility for meeting the cost of the services provided therein for all individuals, regardless of race, who apply and are found eligible.

Sincerely,

STEPHEN P. SIMONDS,
Commissioner.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
SOCIAL AND REHABILITATION SERVICE,
Washington, D.C., March 3, 1969.

(State Letter No. 1062)

To: State Agencies Administration Approved Public Assistance Plans.
Subject: Eligibility of Indians, Including Those Living on Reservations for Assistance and Services Under Provisions of the Social Security Act.

Questions have been raised which indicate States may not be clear as to the eligibility of Indians for financial assistance and services provided under the Social Security Act.

The following interpretations are aimed at resolving any uncertainty in this regard:

1. State plan provision putting into effect titles I, IV, X, XIV, XVI, and XIX must be available State-wide to all eligible individuals. This includes State plan provisions added as a result of the 1967 legislation with reference to AFDC-Emergency assistance, unemployed fathers, and foster care.

2. Financial assistance through the Bureau of Indian Affairs, U.S. Department of the Interior (as well as medical assistance through Indian Health Service, Public Health Service, U.S. Department of Health, Education, and Welfare, (see State Letter No. 1031)), is not available to individuals eligible for assistance from any other source.

Assistance, therefore from the Bureau of Indian Affairs, Department of the Interior, cannot be considered a basic resource in determining an individual's eligibility for a federally assisted program under the Social Security Act, since that resource is not actually available to persons eligible for the public assistance programs.

3. The Social Security Act provides that Federal sharing is available, under certain conditions when a child has been removed from his own home as the result of a judicial determination. The court or other judicial authority must have jurisdiction in such matters. Indian tribal courts and courts of Indian offenses are courts of competent jurisdiction in this respect, and are so recognized by the laws and regulations of the United States.

Therefore, on Indian reservations, the authority of the tribal court to make such judicial determinations must be recognized by the State welfare agency as a proper authority for this provision of the Act.

4. This issuance does not replace or in any way modify State Letter No. 1031 which relates to medical assistance.

Sincerely,

STEPHEN P. SIMONDS,
Commissioner.

YAKIMA INDIAN AGENCY,
Toppenish, Wash., April 3, 1974.

Affidavit

I, Don James Morrison, duly swear that I am the above named person, and the foregoing is the truth to the best of my knowledge.

At the approximate age of 6 or 7 years, I noticed that my skin was brown and darker than my parents. I started asking questions of my father (referring to adoptive father) and he would tell me I was too young yet to understand. I asked my mother (referring to adoptive mother) and she wanted to know why I was asking. I told her that my skin was a brown, and darker than her's. She told me I was adopted and my natural parents were killed in a car accident.

My second grade teacher was the one that told me I was an Indian, around the ages of 7 or 8. My adoptive parents told me when I was between the age of 9 and 10 that I was an Indian, not mentioning a Tribe or where I was from.

In recalling my adoptive parents, who were of Non-Indian, some of the following incidents come to my mind of their treatment towards me during the early age, very small to 11 years of age.

I can recall at an early age that I was locked in my bedroom and the door locked, that the sky was blue and turning dark; that an old washing machine was in a closet, which to me was a monster of some kind. I started to really cry and my father (referring to adoptive father) came in and I ran to him, wanting to be picked up and he wouldn't, he started to leave and I followed, but he took me back into the room. If it was not for my mother I would probably have been left in there. I can remember at one time he dumped a barrel of around a 50 gallon drum, which contained some rain water and rocks that I had been putting in there, on top of my head because he got mad at me for putting rocks in it. Another time I have remembered and can not forget is the time I climed an old crab apple tree and he (referring to adoptive father) had me climb down and he beat me with three hoses (regular garden type) tied together. Another incident was when I used some oil that I shouldn't have on a chain, and I was told to remove my belt and I guess I did not do this fast enough, so my father went and got a big one which had a buckle on it and he used this on me for a long time, I remember rolling on the ground trying to get away; and when he got through there was blood on my back. Another time he told me to do something and I did not get up right away and he picked me up off the chair and threw me against the wall (the house had a cement foundation) and I hit the cement foundation pushing my shoulder blade out of place a little bit, and it has remained that way since.

When I was told to do something by my father, I had to do it right now and be told only once or—he would give it to me. At one time he slapped me across the face leaving a red mark where he had hit me. When I made a mistake he would let me know about it for weeks on end.

When I reached the age of 8 years I was started on doing manual labor by digging ditches, a bank on the place, digging up tree stumps, and cutting brush.

When I was a junior in high school, I wanted to go to an Indian Boarding School, and my father got real mad, I felt that I would have been better off there. I had a feeling of rejection from the kids at school and from my father.

I recall these incident as part of those that were not so bad.

There was a lot of abuse that I took mentally and physically which I just want to forget ever happened. It is of my opinion that he tried to break me down mentally and physically. He was forever putting me down in front of his friends and anybody that was around at the time. It was not until, just before he died that he realized that he had treated me very badly. He had never wanted me from the very beginning.

There was no explanation of Indian, language, culture, history, or religion after finding out that I was of an Indian descent.

My adoptive mother, was like a real mother should be, she protected and guided me through my years and life. Her protection of me from my adoptive father was what kept me going.

It is of my opinion that it is too tough for an Indian child to live in an Non-Indian Home. After they find out they are an Indian, there should be an Indian around that they can talk to.

Done and dated this date April 3, 1974, at the Yakima Indian Agency, Toppenish, Washington.

MARGARET C. GWINN,
Notary Public in and for the State of
Washington. Residing in Wapato, Wn.

My commission expires February 16, 1975.

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