

TO WHOM IT MAY CONCERN:

It has been brought to our attention that legislation has been passed or is in the process of being passed that takes away our constitutional rights of raising our children in the manner that we feel is necessary for them to receive the proper education and social values; i.e. being able to send our children to boarding schools, private schools, placement programs, etc. off the Navajo reservation without governmental control and regulations. We feel that by being able to make these decisions without outside interference we can then take advantage of sending our children off the reservation into an environment that they will learn to adapt to be better suited to carry on a role in the American way of life. If you take these rights away from us, you will not only be taking away our rights as parents, but you will be hurting our children by alienating them from the other children of our country. We have seen the difference between our children who stay on the reservation to go to school and those children who get the opportunity to go away to schools that have better teachers, better equipment, and most important is the fact that they are able to associate with a large majority of children of other races. Those who have the opportunity to go away to school get not only a much better education, but also learn the roles and social values of the average American citizen by living with children of other races. Don't take our parental rights away from us. We want to be the ones to decide what is best for our children without having the government intervene.

1. Nelson Pineda
2. Willie Rengua
3. Lucia Ruelo
4. Emma Y. Brizilla
5. Anita Lopez
6. Santana P. Hernandez
7. Juanita Salas
8. Sharon Antonio
9. Val Toledo
10. Juan Sandoval
11. Belina Castillo
12. Randy Jackson
13. Pat Castillo
14. Ray Salido Jr.
15. Randy Lopez
16. Harrison Sandoval
17. Ben Roy Castillo
18. Roger Martinez
19. Eugene Martinez
20. Levi Jodelo
21. Gibson Ray Aguirre
22. Lasi Jake
23. Dolores Castillo
24. Barbara Salas
25. Liz Herrera
26. Corrina Lopez
27. Valu

28. Anita Chiquito
29. Tony Largo
30. Tom Jim
31. Elsie R. Mitchell
32. Pete Cadman
33. Shirley M. Nelson
34. Patricia Cannon
35. Hermon Zuehl
36. Thomas Montejo
37. Albert Begay
38. Alfred Cepeda
- 39.
- 40.
- 41.
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APPENDIX E—LETTERS

DAVID LARUE CRABB

Post Office Box 281
Dedham, Massachusetts 02026

August 9, 1977

The Honorable James G. Abourezk, Chairman
Select Committee on Indian Affairs
United States Senate
Dirksen Senate Office Building, Room 1105
Washington, D.C. 20510

Dear Senator Abourezk:

I write to record my whole-hearted support for your legislative efforts on behalf of the American Indian people. I am especially impressed with the standards which your Indian Child Welfare proposal seeks to establish for the placement of Indian children in foster or adoptive homes. These clearly defined standards recognize the unique values of Indian culture and are bound to promote the stability and security of Indian family life.

By way of copies of this letter to your colleagues on the Select Committee on Indian Affairs and to members of the Massachusetts Congressional delegation, I am urging their favorable consideration and support for the legislation proposed by Senate Bill 1214.

I wish you well.

Sincerely,

David L. Crabb
David L. Crabb



VIRGIL L. KIRK, SR.
Chief Justice
Navajo Nation
(602) 871-4138

JUDICIAL BRANCH
P. O. Box 447
Window Rock
Navajo Nation, 86515

STEPHEN M. GUDAC
General Counsel
Judicial Branch
(602) 871-4137

June 8, 1977

Mr. Herm Wade Olsen
Office of Congressman McKay
1203 Longworth Building
Washington, D. C. 20515

Dear Herm,

Here are my comments on Abourezk's bill. I hope they prove useful.

I will be in Washington in late June or early July and hope to see you then.

Sincerely,

Steve
Stephen M. Gudac

SMG/ms

Enclosures

Comments on Senate Bill S. 1214

A close review of Senator Abourezk's bill, entitled "Indian Child Welfare Act of 1977" and numbered S. 1214, shows that this bill is bad legislation.

First, it includes every Indian tribe in the scope of the policy of the act. This makes no sense. Indian tribes range in population from a few hundred to over 160,000. The territories of the tribes range from as little as fifteen acres to millions of acres. Most tribes have no judicial system at all, if they even have a court. The Navajo have a system as sophisticated as that of many states and far more advanced than any other tribe's. One must wonder at the stupidity of such all-inclusive legislation on a matter so delicate and so complex as child welfare, given the varied conditions described above.

Second, while certain aspirations apparently inherent in the bill are laudatory, the approach and the draftsmanship would lead to chaos and protracted litigation, rather than to the accomplishment of the good intentions.

For instance, Section 102 (b), Page 9 line 3, speaks of the "overwhelming" weight of the evidence. There is no such standard recognized in American law. Section 102 (d) requires that a child who is the subject of a placement be represented by counsel. No matter how young the child? Regardless of whether the tribe has funds to reimburse such counsel? The Indian Civil Rights Act does not even require tribes to furnish counsel in criminal cases. Yet this act seems to require a tribe to furnish at its expense - if the parents cannot hire or choose not to hire - counsel for both the child and the parents.

Section 102 (b) also states that misconduct and alcohol abuse cannot be considered prima facie evidence as to the need to modify the parental custody rights.

Notice that the very next sentence says, however, that the standards of the Indian community are to be used in determining whether damage to the child will occur.

What happens, then, if the standards of the community are that severe abuse of alcohol by the parents warrants modifying their custody rights?

It should be readily apparent that this legislation gives rise to contradictory interpretations. This then is prima facie evidence of bad legislation.

Section 103 (b) mandates certain preferences but then says any tribal council can change these. All this does is impose a legislative burden on the tribes. Obviously, given this provision, even if a tribe presently has set different

priorities, that tribe will probably have to re-legislate on this matter.

Section 104 represents certain "modern" thinking on the rights of adopted children. This kind of thinking is actually two hundred years out of date.

Adopted children would no longer be considered the equal of "natural" children, nor would adoptive parents have equal rights compared with natural parents.

For all the years until a child reaches eighteen, the adoptive parents and the natural parents who relinquished custody will have this false issue hanging over them, waiting to intrude into and disrupt their lives. The same would be true of brothers and sisters who would all of a sudden be subjected to an intrusion with shattering consequences.

What rights do the adoptive parents, natural parents and other relatives have? What happens to their right to have the issue of adoption settled and to expect to lead their lives normally after the case has been closed?

Finally, what real good would Section 104 do? If the information required to be disclosed to the child were really needed, as in a medical emergency, the judge can always disclose that portion of information vitally necessary to the person needing it, without disrupting everyone's lives.

Whereas the judge, in almost every jurisdiction including the Navajo, presently has a scalpel which he can use as he determines it to be needed, Section 104 puts a shotgun in his hands and orders him to use it, unless someone else can convince him not to.

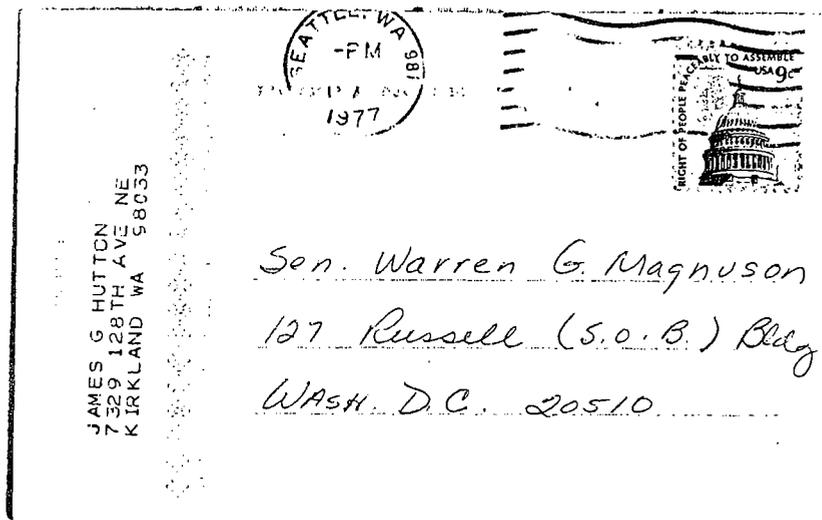
My last comment is that Title II simply does not budget enough money to carry out the provisions of Title II. The amounts suggested are laughable, given the purposes stated in Section 202.

In any case, as any student of Congress knows, this bill cannot appropriate funds, regardless of the language of Section 201 (d).

I seriously doubt that adequate funds for the projects listed in Section 202 (a) will be forthcoming. Indian legal systems are not even sufficiently funded. Why should this program be any different? All this bill does is impose further meddlesome, unfunded burdens on Indian and state courts.

Therefore, I must strongly oppose passage of this bill

Stephen M. Gudac



JAMES G HUTTON
7329 128TH AVE NE
KIRKLAND WA 98053

Son. Warren G. Magnuson
127 Russell (S.O.B.) Bldg.
WASH. D.C. 20510

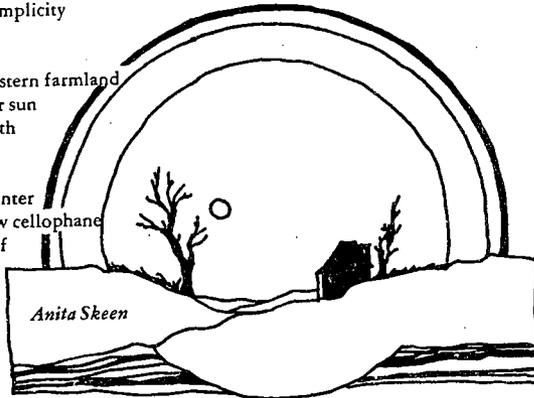
1324 - 128th Ave. N.E. Kirkland, Wash. 98053
Dear Sir,
Please pass H.R. 7200
Adoption Act as soon as
possible.
Also delete Section 204
from 51314 calling for the
removal of adopted children
from non Indian parented homes.
Are allowing a type of Hitler's
GERMANY in America? How silly
can you be. Love and a healthy parent-
child relationship are not dependent on this
bill.
MRS. ANNE HUTTON

a Christmas gift

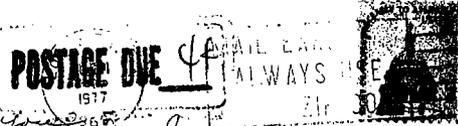
i would choose from the tapestry
of my days
those threads of simplicity
yet perfection

solitude in midwestern farmland
frost on December sun
trees feathered with
morning chill

i would choose winter
wrapped in yellow cellophane
and the stillness of
Christmas snow



Cold Mountain Holiday Post Card
Illustration © 1974 Gretchen Reed
Text © 1974 Anita Skeen



*I strongly urge you
to work against
Sec. 204 of S-1214.
It would be a great
injustice to all adoptive
families if it is allowed
to pass!*

Haren Penta

*Haren Penta
1419 32nd Ave.
Langview, WA 98032*

100 copies were signed by poet and artist.

Cold Mountain Press, 4406 Duval; Austin, Texas 78733

*Sen. D. Magnuson
127 Senate Office Bldg.
Washington, DC
20510*



July 7, 1977

Dear Friends:

A number of individual Indian People here in Massachusetts who are aware of the Indian Child Welfare Act of 1977 (S.1214) are in basic support of the Act and Senator Abourezk's efforts in the protection and welfare of our Indian Children. Copies of this Act have been sent out to Tribal Councils, Tribal Governments, and Inter-Tribal Organizations in the New York and New England areas.

We are urging Indians and non-Indians alike who support this proposed legislation to voice their support to their appropriate Congress people. We feel that this Act provides for the appropriate people, the Indian People, to have control concerning the placement of Indian Children in adoptive and foster homes. As we all know, too many Indian Children are taken from their Tribal communities and are placed in non-Indian homes. The effects of this action need not be enumerated here.

We are, however, suggesting amendments primarily because the bill, as it is written, will go through the BIA and therefore exclude East Coast Indians, non-reservation Indians and Canadian Indian People living in the United States. We are suggesting that the bill be removed from the Department of the Interior and be put through the Department of Health, Education and Welfare. HEW services nearly all Indian People whereas the BIA does not. We are also requesting redefinitions of "Indian", "Indian Tribe" and "Indian Organization". (See following form letters for those definitions.)

Enclosed you will find a copy of the Indian Child Welfare Act of 1977, one set of form letters in support of the bill designed for Indian People to send, one set of form letters for friendly non-Indian people to send in support of the bill, and a list of the names and addresses of the members of the members of the Senate and House Sub-Committee on Indian Affairs. It will be very helpfull if you also send support letters to your local Congress people. Significant numbers of support letters from as many states as possible can only help the passage of the bill. It is important to let the government know that a great many people are aware of and watching this bill.

We sincerely hope that you will lend your support to this Indian Child Welfare Act of 1977 and that you will recruit other interested parties to lend their support as well.

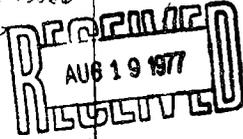
As it stands now, the bill is scheduled tentatively for another hearing before the Senate Select Committee on Indian Affairs on July 28, 1977. Let's all work together to help this bill pass in the interest of all our Indian Children, and Sisters and Brothers.

In the Spirit of Brotherhood,

Jacob Thompson

JT/c-js

P.O. Box 782
South West, WA 98588
July 31, 1977



Dear Sen. Magnuson,

It is our understanding that Senate Bill 1214 - Pages 18 and 19, is under consideration, concerning invalidating the adoption of Indian Children by non-Indians.

It is hard for us to imagine that intelligent lawmakers could get so involved in the "Cause" of undoing ^{long} past wrongs, that the good of today's children could be so misplaced or ignored.

We have three "home-made" children, all grown, one grown foster son, one lovely adopted Korean daughter, two wonderful adopted Indian children, who are natural Brother and Sister, and our little "Special Angel". She has Down's Syndrome. Also adopted.

The ~~two~~ were foster parents for about 10 yrs. and interim parents for about 2 yrs. We have seen just about everything from battered babies to teenagers in trouble with the law.

2.

When we applied for a foster care license we just wanted to help in our community. We don't have much money, but loving kids, that was one way we could help. At that time the state paid \$2.00 a month so you know that money had nothing to do with it.

It just happened that our Indian children were what we got.

They were then six and seven yrs. old. They had been in Children's Homes, left with relatives, left alone, hungry, neglected, mistreated and in another foster home; all of which they still remember, before they come to us.

We had them about five years before they were freed for adoption. We had loved and taken care of them as our very own ^{helping} ~~to~~ even consider not adopting them as soon as they were free, even though by their foster payments had raised so much. It meant losing nearly half our income.

3.

Our son had been so badly affected by his early years, it took years to help him have a sense of self-worth and confidence enough to get along with others, as in school, and in everyday life. He is a very sensitive boy, and now very loving and outgoing and happy.

This bill would be crushing not only our own children, but hundreds of others who are now & could be in the future, living normal, happy, productive lives.

My husband is part Indian, though not enrolled in his tribe. We have always encouraged all our children to be proud of what and who they are.

From our dealings with their tribe and their (family-biological) who work in the tribal offices, they ^{express} so much concern, but for the tribe ~~losing~~ losing its children to the whites. Not for the children!

We beg you to reconsider this bill!

We know of several families this bill would destroy! There must be hundreds more!

Please think of the potential for happy adults raised in loving families and put the children's happy lives before the "Cause" of a Race.

Sincerely,
Mr. and Mrs. Tom A. Clary

AUG 11 27341 S.E. 403 ST

Enumclaw, Wa

98022

Aug. 4, 1977

Warren G. Magnuson
127 Russell (508) Bldg.
Washington, D.C. 20510

Senator Magnuson:

I am writing to object
to Senate Bill 1214 which
deals with investigation of all
adoptions of Indian children in
the last 16 years.

It runs counter to creating
permanent and secure adoptions.
It leaves adopted children as
pawns of people who care
about a cause rather than
the happiness of children. This
bill deals with Indians, that
sets a precedent for all adoptions.

Sincerely,
Judith E. Klein

3903 N. Cincinnati St.
Spokane, Wash. 99207
Aug. 3, 1977.

AUG 09 1977

Sen. Warren G. Magnuson
127 Russell Building
Senate Office Building
Washington, D.C. 20510

Dear Senator Magnuson,

Please do not support Senate Bill 1214. This bill would place most adoptions of mixed-race Indian children in jeopardy. And its prime concern is not with the well-being of such children. It is merely a way to add possible numbers to the Indian count. This legislation has disturbing implications to existing and future placements of all Indian children. It does not achieve permanency for such children and leaves such children mere pawns in the hands of people interested in the CAUSE rather than the CHILDREN.

We have an adopted Indian-white child of 6 who was placed with us at 7 weeks of age. Even though we went through a reputable agency and have no ultimate fears as to his legal placement, this bill would leave us open to a possible law suit and possible need to prove in court again the legality.

I quote from this bill "that placements of Indian children before the age of 3 months leave that placement open to suspicions of coercion."

This is backward legislation and will not further the cause of equal justice for all Indian children.

Sincerely yours,

Ross & Eleanor Finley

488

1343 117th Dr. S. E.

Lake Stevens, Wa. 98258

July 29, 1977 458 02 27

The Honorable Warren G. Magnuson
127 Russell (SOB) Building
Washington, D. C. 20510

As parents of an adopted child
(not an Indian child) we are deeply
concerned and disturbed by the implications
of Sec. 204 of Senate Bill 1214. We
urge you to oppose this section.

The heartache that could be caused to
many families is hard to imagine. When
people commit themselves to love and
raise a child as their own through adoption,
this relationship should not be disturbed.

Sincerely,

Wayne & Linda Christianson
Wayne & Linda Christianson

489

Spokane, Wash.
July 25, 1977

Senator Magnuson
Senate
Wash. D.C.

Dear Sir;

I am writing in regard to
Senate bill 1214.

Because we adopted an American
Indian girl seven years ago and
because we feel the adoption has
worked out so well we are very
much in favor of such adoptions.
We feel they should be permitted.
She has friends and does well in
school. We encourage her to

pick up on Indian children, etc.
and to be proud of her Indian
heritage.

Sincerely,

Mrs. & Mrs. Jim Lewis

727 W. Gale Rd.

Leinhardt, Wash. 98248

17801 Robinhood Lane
Enochmish, Washington 98290
July, 29, 1977

Senator Warren G. Magnuson
127 Russell (SOB) Building
Washington D. C. 20510

Dear Senator Magnuson:

I am writing about Senate Bill 1214, Section 204.
My husband and I have read this section and we are
opposed to it because of its implications for permanency for
children.

We are amazed that our legislators would wish to re-
move a child, even one child, from the adoptive family of which
he/she has become a part for the sake of a "cause." Doubtless
the cause, Indian rights, is a good one. Indeed we applaud all
efforts to achieve justice for our native Americans. But this
proposed law would deny innocent children their rights! No child
should be forcibly removed from the parents he/she knows and loves
unless those parents have failed in their parental duty to him/her.

Please don't make pawns of adopted children in order
to promote Indian rights. We urge you to vote against this bill.

Sincerely,

Bernice Krahn

Bernice Krahn (Mrs. C linton D.)

Sen. Warren G. Magnuson
Dear Sir:

AUG 19 1977

I am writing in regards to the Senate Bill No 1214 Sec. 204 which concerns adoption of American Indian children.

Being the mother of a legally adopted Indian daughter under the age of 18 this bill concerns me a great deal.

The possibility of someone looking for some long time and then being able to take away my child is a very frightening thought.

An Indian child is no different than any other child who may be adopted and I see no reason for them to be singled out. They need to know that they are secure with those they love and who love them.

I think the money should be put to better use, possibly to help children find homes or help people find these children to adopt, or even to balance the budget.

Before you act on this bill please consider what you will be doing to the children.

Sincerely
Mrs Janith McNamee Comstock

P.O. Box 584

Vashon, Wash.

98020

E. 1118 Baldwin Ave.
Spokane, Wash. 99207
August 10, 1977

Senator Warren G. Magnuson,
127 Russell (SOB) Bldg.,
Washington, D. C. 20510

Dear Senator Magnuson:

Re: Senate Bill #1214

This bill aims to discourage the adoption of Indian or part-Indian babies by white or other non-Indian families. In fact, it is so worded that it could nullify already existing adoptions.

I wonder why? Surely the type of white parents who are glad to adopt an Indian child are the type who would have the child's best interests at heart. Furthermore, I think it is an encouraging effort towards unifying Indians and whites.

Much of this individual assistance is going to be necessary to raise children of Indian heritage to be leaders of their own people. Simply forcing any and all of them to be head-counted on reservations cannot be done with the true interests of Indians at heart.

Among my grandchildren is a bright lovable half-Indian boy, and it is the hope and aim of his adoptive parents that he will eventually make it his life-work to help Indians generally towards a self-respecting and productive life.

We cannot point with pride to the results of government policies during the past 150 years; in fact we should be ashamed of the way the Indians have been treated. It seems to me that this present-day trend towards person-to-person assistance should be encouraged, not frustrated.

I hope you will oppose this bill when it comes to a vote. Thanking you in advance, I am

Very truly yours,

Winifred M. Kromholtz

(Mrs. Winifred M. Kromholtz)

9701 Waters Avenue South
Seattle, Washington 98118
August 12, 1977

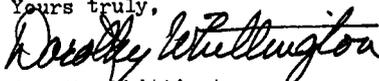
Senator Warren G. Magnuson
Old Senate Office Building
Washington, D.C. 20510

Dear Senator Magnuson,

I am writing in regard to Senate Bill 1214. Its provisions to discontinue placement of Indian children in white adoptive homes seems a constructive policy and will help to keep alive our valuable Indian cultures. However, Section 204, which seeks to apply this policy retroactively, would it seems to me work great injustice on those white families which adopted Indian orphans in the best of good faith, and have been raising them as their own. Moreover, and especially, the uprooting of the children after coming to consider themselves part of the adoptive family couldn't help but be bad for their emotional health.

I urge you to remove this retroactive thrust before working for passage of the bill.

Yours truly,


Dorothy Whittington

001260

July 26, 1977

JUL 29 '77

Senator Hubert Humphrey
U.S. Senate Office Building
Washington, D.C. 20510

Dear Senator Humphrey:

I am writing to ask your immediate attention to highly dangerous sections of Senate Bill 1214, the "Indian Child Welfare Act" introduced April 1, 1977. I understand a hearing is to be held in the Select Committee on Indian Affairs the week of July 22, 1977. If some of these are overlooked and passed, it will be the saddest day in the U.S. history as far as "child welfare" is concerned.

All the sections having to do with the placement (adoptive and foster) of Indian and part Indian children are highly questionable. But Title II, Sec. 204 is the worst. It provides that all adoptions (and foster) placements of Indian and part Indian children made in the past sixteen years be reviewed by the Secretary of the Interior to see if legal flaws can be found. If so the Secretary will provide free legal services to Indians, as well as participate in the suits, so that the children can be returned to the Indian natural parents or relatives.

Can you imagine what havoc that will play in the lives of the adopted children and their adoptive parents. Can you imagine the fear that will be struck into the hearts of all such families when they learn they may or will have to fight in court (at great expense while the other side has government paid lawyers) to keep adopted children whom they have loved, supported and nurtured all these years. Most of the children so included are part Indian - mainly white, black, Chicano and Asian. (Most any part Indian child is "eligible for enrollment" I understand, though not for benefits). This is grossly unfair.

Also, all of the complicated steps and processes being asked before an Indian (or even more unfairly a part Indian) child can currently be placed for adoption or foster care are also poor practice. Especially since even one step omitted "makes an adoption invalid". Who would even want to take the risks to adopt under these circumstances?

I have analyzed the bill point by point and attach this for your review.

I suggest that the only good part of the bill - and it is a commendable part, is setting up social services by and for Indians on or off the reservations. That is the solution. If this were done, then the Indian and non-Indian parents who want these services could choose to go there or those who prefer public, or private, non-racial, non-sectarian, or denominational social services could go to the agency of their choice.

Parents of Indian and part Indian children have the right to make plans for their children freely, just as do all our citizens. This bill denies them that right. It does not even allow an option for the parent to waive

all this complicated process and have their child placed as they wish. A good many parents of Indian or part Indian children (e.g., a white mother of a part Indian child) may not want an Indian family for their child. Have the natural parents no right to decide this?

Also enclosed are some articles from Washington State newspapers (Seattle and Bellevue). We already have (since 1976) an "Indian administrative code" here. I guess Indian leaders think it is working well but from the children's point of view and the adoptive/foster families who have been their "real" families for years, it is causing only heartache and distress. The articles tell only a small part of the sadness caused here by these codes. The thought of such distress multiplied a thousand fold throughout the nation causes me to write you now and ask that you take a very close look at Senate Bill 1214.

May I hear from you as to your thinking after you have given this bill further consideration.

Thank you kindly,

Mildred Wright
 (Mrs.) Mildred Wright
 1624 North 55th
 Seattle, Washington 98103

Encl.

ANALYSIS OF S 1214

Although parts of the "Indian Child Welfare Act of 1977" are good i.e., efforts to set up social services for Indians on and off the reservations, there are other sections which are highly dangerous to children's welfare and still others which would only complicate (not improve) services to Indian and part Indian children.

SECTION 204

I will mention the area of greatest concern, i.e., Section 204 of Title II on page 18. In essence it says that the Secretary of the Interior will review all child placements (foster and adoption) of Indian or part Indian children made in the past 16 years (unless the child is now over 18). The court cases will be reviewed to see if a legal flaw can be found. If so the Secretary of the Interior can issue a habeas corpus action, or other legal proceeding, bring the case to court, provide attorneys fees to natural parents or certain blood relatives, with a view to upsetting the adoption decree and returning the child to the natural family.

This would apply to many children (probably most) who are only part Indian, perhaps predominantly white, Black, Asian, Chicano, etc. Anyone "eligible for enrollment". We have been told that even those with small percentages of Indian heritage are eligible for enrollment - not benefits perhaps, but enrollment.

The dangers are obvious:

1. Children being taken from homes in which they are permanently settled for years perhaps.
2. Extensive legal expenses on the part of adoptive parents to fight to keep these children, as they are opposed in court by people who have free legal service and the U.S. Government behind them.
3. Emotional agony as children and adoptive/foster parents are separated from each other.

It would seem that the writers of this bill are operating on the assumption that Indian and part Indian children have been kidnapped from the natural families and tribe. But this is a false assumption. Some may well have been given up for adoption (or foster care) voluntarily to offer the child a better life. (The same reason any children are voluntarily relinquished). Other parents were deprived in court because of neglect or abandonment or some similar serious reason. I have been a social worker for 25 years and I have yet to hear of a "deprivation" that was made for a frivolous reason. One can be well meaning and even love children but if one leaves young children alone for days and nights, or places them in foster care and then not return for months and years, that is neglect and abandonment. Parents of all races who do this risk losing the children to other families who are willing to nurture and provide for them. But natural parents' rights are almost sacred in our court system. And "deprivations" are made only after numerous, long drawn out efforts to find, to help, the natural family. These Indian and part Indian children, therefore, were not "kidnapped". They are in foster or adoptive homes either by wish of the natural parent, or because a court decided that all efforts to return the child have been hopeless.

I am not saying that (with all races) there may not be a few isolated cases where a reopening is warranted. But those cases can and have always been handled as individual cases. If natural parents wish to reopen a case, they

can secure an attorney (Legal Services (free) are available for those of low income).

Moreover, Adoption Records are "legally sealed" and even the Secretary of the Interior would not have access to them unless the adoption court judges ordered that

SECTION 102 (c)

On page 10, lines 11 through 25, the stipulations are preposterous. Moreover, they are an insult to the Indian People, e.g., "Consent by the natural parent or parents of an Indian child given within 90 days of the birth of the child shall be presumed to be involuntary". It implies Indian people (or parents of an Indian or part Indian child) do not have the same mental powers as other races. If people of other races can decide and sign surrenders in the first 90 days, so can parents of an Indian child. I contend Indians are as bright and capable and responsible as anyone else. The writers of this bill must think otherwise.

Likewise the ability of parents of an Indian child to withdraw consent anytime up to the final decree will make it impossible to find an adoptive couple (including Indian adoptive couples) to take such a child. They would live in fear of losing the child for a year or more (in most states) until the final decree. And even then if someone could show that in some way the whole process did not comply with the complicated steps set out in this Act the decree could be set aside. Whoever wrote this bill obviously did not consider human nature, human love between parent and child (adoptive and foster being the "real" parent in these cases), or did not care about the feelings, lives, welfare of the children and parents involved.

This Section should be totally removed from the Act.

OTHER POINTS

Page 1, line 3. The Act is misnamed - it is not a "Child Welfare" Act. It may be a "Tribal Welfare Act" but the welfare of children is not its purpose nor would it be the result.

Page 2, lines 1 through 7. The reason children are separated from the parents was either the wish of certain parents or (in other cases) the neglect of them by the parents. The "agencies" stepped in to care for children who otherwise were not being cared for by family or tribe. The blame is placed in the wrong place.

Page 3, lines 1 and 2. My comment here is that I doubt the statistics show the high rate of "drop outs, alcoholism, drug abuse, suicide, crime" among the children who were reared in adoptive or foster homes. A study might be indicated to see if those rates are higher among those reared by natural parents or relatives, or higher among those placed for adoption and in foster care. Here we should separate adoption from foster care. I would guess that the rates are lowest among those placed for adoption.

Page 3, lines 5 through 10. Here we have, I believe, the purpose of the Act. "For Indians generally, the child placement activities of non-tribal government agencies undercut the continued existence of tribes as self-governing communities and, in particular, subvert tribal jurisdiction in the sensitive field of domestic and family relations. "It is stated clearly: Not welfare of the children, but welfare of the tribe.

Also in this regard, it should be repeated, many if not most of the children included in this Act are only part Indian. Do these children lose their

rights as free U.S. citizens because they have some Indian blood. Why should a half or predominantly White, Black, Asian, Chicano child be subject to "tribal jurisdiction in the sensitive field of domestic and family relations".

TITLE I CHILD PLACEMENT STANDARDS

The whole title is bad. Some I have discussed earlier. But, in general, the complicated system of dealing with Indian or part Indian children means in essence that no social services from private or public social agencies can be made available to the children. Who has the staff to go through all those processes? And if, later, it could be shown that one step was missed, a placement (even adoptive) could be claimed invalid.

Even the way in which parents of Indian and part Indian children can consent to a placement is different than other people's methods. See my earlier comments.

The saddest part, I think, is that the wishes of the natural parents are totally ignored. There is no option left open that if the natural parents want to waive all this, they can be allowed to do so. In essence this is dictating to U.S. citizens, (Indian and non Indian alike) how this is to be done. The White or Black girl pregnant by even a part Indian man will no longer be able to surrender her baby for adoption like other girls. She will have to go through this complicated process and her baby will first have to be offered to the man's relatives. Only if they do not want the child, can the child be placed for adoption with a family of her race.

TITLE II

Sections 201, 202 and 203 of this title are fine. The development of Indian services, by and for Indians, on the reservations and off is a worthwhile and necessary development. The strengthening of Indian families will prevent most removals of children. That is everyone's goal.

But Section 204, page 18 as I have already discussed, is totally preposterous and should be totally removed from this Act.

As far as the practicalities are concerned, if the adoption related parts of this Act were ever passed, the whole concept of adoption would be changed. No adopted child or adoptive parent could ever feel safe. If the Federal Government can step in retroactively and help overturn decrees of courts throughout the land in Indian and part Indian cases, then it can do so in other cases. Why not?

The rights of all other races are being ignored by the Act. The child "eligible for membership in a tribe" is somehow to be part of and under the rule of this Act whether the child, his natural parents (often at least one is not Indian) or legal adoptive parents consent or not.

By being even part Indian these children and these parents lose the freedom our Constitution gives them. Other parents (of non-Indian children) have the freedom to plan for them as they see fit. But parents of Indian and non-Indian children have to plan for them as this Act decrees. It is unequal protection under the law.

U U 1 2 0

Mr. Humphrey
 Senate Office Building
 Washington D.C. 20510

July 19, 1977

Dear Mr. Humphrey,

We are writing in reference to Bill #S.1214 entitled the "Indian Child Welfare Act of 1977".

We are greatly concerned about this bill as adoptive parents and people interested in child welfare.

We feel passage of this bill will create massive problems with Indian families, adoptive families (past and prospective), and licensed placement agencies.

One of the most terrifying aspects of this bill centers around the powers entrusted to the Secretary to look into past adoptions. Although recognizing that some past placements were misdirected, allowing such excessive powers will endanger many successful placements and the related family units. No one should have such undefined and opened powers as this bill would allow.

The potential abuses could lead to many nightmares. As a parent, how would you ~~react~~ react to the threat of possible removal of your child? And who should have this power? How would you feel as a child, being taken away from the home and people you love?

While the purpose of this bill is to protect the Indian family unit, in fact it takes away their freedoms. Under this bill an Indian family does not have the right to decide the fate of its members. These rights would be entrusted to the tribal authorities, the results of which could be disastrous to Indian families.

The bill attempts to improve Indian life through home improvement and subsidy programs for families interested in becoming adoptive or foster homes. This could lead to families desiring placement of children for the wrong reasons, resulting in child abuse and family stress. This bill affords no legal protection to these children, which other children are entitled to. The bill indicated that children placed outside the reservation and their natural parents develop excessive social instabilities. This is utterly absurd! So many other factors are involved in the Indian social problems that external adoption is entirely insignificant.

This bill creates tremendous problems to licensed agencies in rendering services to families. Several provisions would encumber placements,

...if not completely curtail beneficial activities
with the Indian families.

This bill is an extremely misguided
attempt to help Indian families. It is
outrageously discriminatory! It takes away
individual rights and freedoms. It appears
to us that this bill is trying to confine
Indians to the reservation with no concern
for their well being, personal desires, or future
welfare.

If you, as a well meaning representative
of the people, feel that the minority rights of
Indians require discriminatory legislation, do
you plan similar legislation for Blacks,
Mexican-Americans, Japanese-Americans, Irish-
American, etc. who have also been unjustly
treated?

With deep concern,

Mr. and Mrs. David James
2137 West Verde Lane
Phoenix, Arizona 85105

AS COSPONSER OF THIS BILL, HAVE YOU
REALLY READ IT ??

AUG 22 1977

RECEIVED
AUG 22 1977
REGISTER

Chairman Abourezk
Senate office Bldg.
W.A. DC. 98501

8/17/77
Rt 2 Box 28
Raymond, Wn 98577

Dear Sir,

I am writing to you to see if you know what
you would be doing to a lot of children & families if
you pass the bill 12-14 these children have been
happy with their families. As for people
that adopted them that they are their own
families. If you don't know the bill, would
you send all Indian children back to their parents.
Please I say you don't pass this bill. Please
think about you do this to the children.

Thank you

Mrs. Janet Johnson

P.S. The bill would take away all Indian rights
19 Indian child in the world.