“More Destruction to These Family Ties”: Native American Women, Child Welfare, and the Solution of Sovereignty

Meg Devlin O’Sullivan

Abstract

“More Destruction to These Family Ties” looks at the long history of non-Native intervention in the lives of Native American families. It maintains that the desire to educate and raise indigenous children culminated in the 1970s with a catastrophic quarter of Native American youth living away from their families and nations. This article argues that Native women activists were central to arresting the crisis; that they launched a multifaceted agenda to address challenges (rooted in colonialism) that indigenous families faced; and that they championed a framework that complicates existing narratives of women and activism in the United States during the 1970s.

Keywords

adoption, foster care, child welfare, settler colonialism, sovereignty

In April of 1977, Indian Family Defense reported an extraordinary response to a common dilemma: acting Chief Judge Anna Early led a party of White Mountain Apache women to literally liberate their children from a Christian foster home in Tucson, Arizona. One of the group members had sent her son to the House of Samuel for what she understood as a temporary foster situation. After her child’s stay stretched to three years, hallmarked by missed and abbreviated trips home, the mother turned to tribal leadership for assistance. In response, Chief Judge Early and her crew successfully retrieved three children from the institution. They also encouraged the tribal council to pass legislation requiring that all child placements process through the tribe. The subsequent law ensured that parents understood their rights in such arrangements and that outside agencies respected tribal sovereignty.

Accounts of women’s experiences in the United States during the decade of the 1970s frequently tell narratives of women’s achievements around reproductive health and the construction of identities beyond the accepted roles of mother and homemaker. While this description explains the histories of many women, it neglects the realities of countless others living in the United States at

1 SUNY New Paltz, New Paltz, NY, USA

Corresponding Author:
Meg Devlin O’Sullivan, SUNY New Paltz, Southside House, 1 Hawk Drive, New Paltz, NY 12561, USA.
Email: osullivm@newpaltz.edu
the time. For Native American women, like the White Mountain Apache women described above, the legacies of settler colonialism—including the boarding school system, coerced sterilizations, and child removals—rendered the right to bear and raise children as not a limiting framework but a desired expression of personal autonomy and tribal sovereignty. Thus, within larger more familiar portrayals, there existed a very different struggle for rights and justice particularly around mothering. For many indigenous women, political action regarding children was not about campaigns for subsidized day cares or cultural arguments about gender, work, and parenting. Child welfare was a literal fight to keep Native children in their homes and in their nations.

During the 1970s, Native American women activists understood the crisis of child adoption (which had grown rampant in the postwar era) as more than a personal issue affecting individual families. The removal of Native children from their homes and communities compromised not only parental rights but also tribal sovereignty. Technically, indigenous nations had a legal advantage in the battle for control over Indian child welfare because the right to oversee issues related to children living on reservations existed as an implicit aspect of sovereignty. In practice, however, state courts and welfare agencies largely misunderstood or ignored tribal authority and the interests of indigenous communities and removed Native children from their homes at arresting rates—an average of one quarter of Native American children lived away from their parents during the early 1970s.

In response, Native women activists created a child welfare political agenda that not only kept children in their communities but also addressed the problems that sometimes led to foster and adoptive placements. Although they acknowledged that there were legitimate issues, such as alcoholism, that required some parents to surrender their children, activists did not interpret the current crisis as the result of inadequate parenting. Nor did they place blame exclusively on culturally insensitive child welfare systems. Rather, activists condemned poverty and the vestiges of colonialism for the problems that precipitated child removals. One activist asserted that “the process of colonization has brought more destruction to these family ties than any internal changes . . . could have ever created.” According to this woman and others, while colonization created the problems indigenous families faced—solutions to them rested with Native nations. Both the programs’ indigenous women activists established and their petitions to the federal government to uphold the right of the tribes to control child welfare focused on increasing tribal agency in addressing the fundamental difficulties that Native families confronted. These activists gained strength from their citizenship in Native nations and framed their work against child removals in the context of tribal sovereignty.

The Long History of Educating, Raising, and Taking

This article primarily focuses on the decades of the 1970s when the removal of Native American children came to a catastrophic turning point. Yet, the crisis did not suddenly emerge in the second half of the twentieth century. The settler societies that sought to displace the preexisting indigenous ones frequently cast their gaze on Native children—believing in the ability of youth to transform culturally and politically. Thus, the history of non-Native people intervening in the lives of indigenous families is a long one; arguably as old as the history of colonization itself. European colonial powers, and then the United States federal government, did not view Native cultures and political systems as viable alternatives to their own. Colonial and federal agents subjected Native Americans to a series of policies aimed at “civilizing” and “improving” them. Almost without exception, however, these plans disrupted functional Native social structures and economies and created new problems in their wake. Across the centuries, perhaps no aspect of Native American societies came under more scrutiny than the family. The assimilation of indigenous groups into mainstream American culture required the destruction of the kinship systems that organized Native people. To meet this goal, many misguided non-Natives from the colonial period through the twentieth century focused on raising Native children outside of their communities. Non-Indians justified assimilation and the removal
of children from their communities by defining indigenous families as dysfunctional. They misin-
interpreted gender roles and family structures and regarded Native systems as deficient and adults
as incompetent.\(^4\) Starting with prenatal behavior, Europeans questioned Native women’s mothering
abilities.\(^5\) In large measure, this understanding of indigenous mothers as inadequate caregivers
contributed to the desire of Christian missionaries and others to take children from their parent’s
care.

The missionaries paid particular attention to indigenous youth because they understood children
as blank slates open to both Christianity and “civilization.”\(^6\) Early missionary endeavors in the
United States, backed by federal financing after 1819, focused on removing youngsters from their
communities and placing them in the care of white missionaries.\(^7\) In exchange for this financial sup-
port, participating missions provided the government with annual reports on indigenous progress in
the federal program of civilization.\(^8\) Throughout the nineteenth century, mission schools taught
Native youth aspects of European American culture. Children spent as much time learning trades
and “civilized” behaviors as they did academic subjects. To accomplish this, students often lived
in dormitory-style housing at the schools or in the homes of the missionaries themselves. These liv-
ing situations provided a way for students to learn the nonacademic skills missionaries considered
central for their development. It also kept children away from their communities and cultures and
prevented indigenous parents from influencing their children in “negative” ways.\(^9\)

Although mission-sponsored systems of education continued to operate throughout the nineteenth
century, federally run boarding and day schools increasingly outpaced missionary endeavors.\(^10\) By
the last three decades of the nineteenth century, federal agents and reformers came to understand the
great obstacle to “assimilation” as the way in which Native communities organized themselves.\(^11\)
The government moved to force Native Americans to accumulate property by destroying tribal lands
held in trust and making tribal citizens landowners through the allotment policy. At the same time, it
recruited children away from their communities and educated them in federal boarding school argu-
ing that off-reservation education was the best way to transform the next generation because it kept
students “more under the immediate care of a teacher and the influences of a home” and resulted in
more rapid transmission of “language, habits and modes of labor, which they are so slow to acquire
in the very limited intercourse allowed by a day-school . . . .”\(^12\) According to one Indian Inspector,
“a day school will be utterly useless and a waste of money . . . . what savagery they get rid of by day
will be taken on at night in the tents of their parents.”\(^13\)

Once children got to boarding schools, experiences and conditions varied.\(^14\) Multiple sources
argue that boarding school facilities and instructors ranged from inadequate and negligent to sub-
standard and abusive.\(^15\) Many young children found the experience of leaving home and being
immersed in foreign practices (and often language), which denied their cultural identity, traumatic.
In addition, the boarding school era existed in the larger context of European Americans under-
standing all children as willful young adults. In other words, adults expected children to behave and work
like grown men and women and when the youngsters failed—which they often did—teachers and
staff meted out physical punishment and deprivation. Since many indigenous peoples did not
sanction such treatment, children were further traumatized. Finally, Indian boarding schools the-
oretically centered on education but in practice focused on cultural assimilation achieved through
hard labor. Most boarding school students spent the majority of their days working gendered
tasks crucial to the survival of the schools. Girls worked in the kitchens and laundries, while boys
engaged in farm work, animal husbandry, carpentry, smithing, and other trades. Boarding school
students rarely enjoyed breaks from their labor; rather than going home during the summer
months, many students spent their vacations on “outing programs.” In this system, students lived
with white families and further “acculturated” as farm help, domestics, and store clerks.\(^16\) In
addition to minimal relaxation time, boarding school youth had limited communication with their
families and communities.
In 1893, however, new legislation prohibited the removal of Native American children to off-reservation schools without the full consent of their parents. In spite of continued skepticism about the parenting abilities of adults, arguments against the efficacy of boarding schools surfaced at the turn of the century. Although these schools continued to function throughout the twentieth century, their popularity peaked in the late nineteenth century, and by the 1930s, many believed boarding schools failed in their goal of complete assimilation and fostered dependency on the government.17

**Adoption in the Mid to Late Twentieth Century**

Although boarding schools had fallen from fashion the strong desire to remove Native children from their families and nations did not: it simply dovetailed with larger trends in adoption and foster care already under way in the United States. Adoption became popular as the best solution for unwed mothers and their offspring as well as for infertile couples seeking children. Stranger adoption, the parenting of children by someone other than the child’s kin, had its roots in the late nineteenth century.18 During the first few decades of the twentieth century, social workers assumed control over formal stranger adoptions and attempted to match adoptive parents and children along racial, ethnic, religious, intellectual, and socioeconomic lines.19 By the 1940s, a focus on direct placements—newborns sent immediately from hospitals to adoptive homes—replaced the earlier emphasis on matching. Social workers increasingly believed that if they carefully screened adoptive parents, anyone authorized to adopt made an adequate caregiver to a child, regardless of religious, ethnic, and class differences. In the late 1950s and 1960s, interracial adoption gained acceptability, but only in the 1970s did agencies abandon racial matching completely.20 The growing acceptance of interracial adoption, a decline in off-reservation boarding schools, and private as well as state initiatives all facilitated Native child adoptions by non-Indians.

As adoption became more prevalent in the decades following World War II, new programs connected indigenous children with adoptive parents. In 1958, the Bureau of Indian Affairs (BIA) united with the Child Welfare League of America to form the Indian Adoption Project (IAP).21 From its inception until 1967, the IAP placed 395 Native children in non-Indian adoptive homes, often in cooperation with the Adoption Resource Exchange of North America (ARENA) that handled “hard to place” children in North America, which they defined as older and disabled children. The Indian Adoption Program addressed the needs of children eligible for adoption who supposedly “passed from family to family on a reservation” in substandard living conditions.22 ARENA subsumed the IAP in 1967 and placed another 400 children in overwhelmingly non-Indian adoptive care during a ten-year period. ARENA described its mission as “breaking down all the barriers that prevent children from being placed in a permanent home in the United States.” The IAP claimed that its emphasis had been “to facilitate the placement of Indian children in Indian homes.”23 In practice, however, the IAP, and later ARENA, had little apparent interest in Native communities and tribal sovereignty, despite their rhetoric about placing indigenous children with indigenous adoptive parents.

Once a child was “freed” for adoption, that is, relinquished from foster care to eligibility for permanent placement, ARENA cataloged the child’s information and printed his or her picture in a monthly publication that went to adoption agencies and individuals in the United States and Canada. At the same time, ARENA screened potential adoptive parents.24 Neither practice targeted potential Native foster and adoptive parents. Although ARENA did not disclose its success in placing children within Native families, in reality, ARENA and the IAP did an abysmal job of putting children in Native adoptive homes. Instead, the children overwhelmingly went to non-Indian families, which the IAP identified as best for them. The IAP crowed in 1966: “One little, two little, three little Indians—and 206 more—are brightening the homes and lives of 172 American families, mostly non-Indians, who have taken the Indian waifs as their own.”25 Those orchestrating these adoptions
largely ignored both the effects of these situations on indigenous parents and children as well as the root causes of poverty and other conditions that forced parents to consider foster care and adoption. By 1974, the Child Welfare League of America, BIA, and state agencies had placed 25–35 percent of Native American children in foster and adoptive homes or institutions, including boarding schools. In South Dakota, for example, 10 percent of Native children lived away from their biological parents and home communities in adoptive homes, and in Michigan and Minnesota the percentages were 13.4 and 18.3, respectively. During this era, the Native American parents stood a “one in four chance of losing a child to foster and adoptive care or institutions.” Although boarding schools declined in popularity earlier in the century, the number of children residing away from their families in boarding schools remained relatively high. In 1974, a total of 29,184 Native American children lived in BIA boarding school dorms; 25,800 of these students attended BIA schools while 3,383 lived in the dorms but enrolled in public schools. The seventy boarding schools still in operation kept 17 percent of indigenous children away from their homes for a majority of the year.

Attitudes of state and federal welfare workers contributed to the large number of Native children placed in institutions, foster care, and adoptive homes. Welfare agents separated children from their families of origin with greater frequency than they did white children in part because of biases that prevented them from accepting alternative cultural values. They had no appreciation for the crucial role of the extended family and less stringent expectations regarding material requisites for parenthood that existed in many Native communities. According to some activists, social workers made ill-informed judgments about Native families by identifying “desertion, neglect, or abandonment, where none exists.” in 1967–1968, for example, 40 percent of the adoption cases handled by South Dakota’s Department of Public Welfare involved indigenous families, yet Native children accounted for only 7 percent of the state’s youth. Social workers frequently failed to appreciate the importance of the extended family in caring for and raising a child. Because of this, the child welfare agents often interpreted children in the care of an aunt, grandmother, or cousin as abandoned and neglected. In such cases, however, a family member provided a safe haven for the child that accorded with his or her culture. Social workers frequently placed children in protective care when their parents left them with elders, since they regarded these older adults as unable to provide proper care. Yet, many indigenous people expected elders to contribute to child-rearing and rejected the nuclear family model that white society embraced.

Social workers often decided that the conditions in Native homes warranted intervention. As had been the case historically, federal and state agents justified the removal of children from their families by interpreting parental care as inadequate. Some of these claims lacked substance and rested on cultural bias about the “correct” way to raise children, but other concerns proved more legitimate. Welfare workers often cited neglect and abuse related to alcoholism as grounds for taking children from their families. A study that supported the Indian Adoption Program claimed that 42 percent of the mothers in the survey “had serious drinking problems” and 20 percent were “strikingly neglectful of [their] children.” Cases of substance abuse and neglect required some type of intervention. Rather than assisting parents with treatment for alcoholism, however, welfare workers took away their children. These agents failed to see caretakers with substance problems as potentially good parents suffering from a treatable condition. As one activist pointed out, few understood that “Indians with drinking problems should be given care, rather than [have] their children removed . . . .” Although alcohol was a problem for some Native families, social workers removed children from their homes at far greater rates than they did children from non-Indian families.

In addition to acting on their biases, social workers sometimes failed to provide caregivers with a complete explanation and full disclosure about the terms of the child’s removal. Instead, they encouraged or coerced parents to sign a “voluntary waiver of parental rights” without describing
the document or explaining that it legitimized the relinquishment of the child without court proceedings. In other instances, parents lacked access to legal counsel as they made their decisions. In most cases, these removal proceedings failed to include the expertise of "tribal authorities and Indian community agencies." As a result, parents sometimes misunderstood the nature of foster care and adoptive placements. Some indigenous people considered social workers as "part of the extended family," and welcomed their help without realizing "that their action [was] perceived quite differently by non-Indians." What parents saw as a temporary solution to a childcare problem, non-Indian child welfare agents understood as an admission of parental failure and a willing relinquishment of the child in question. Native American parents and non-Indian social workers embraced different cultural understandings of the relationship between welfare agent, child, and biological parent. Consequently, caregivers sometimes lost their children to the state or federal government when they sought only temporary assistance.

In addition to the actions welfare workers, the desires of white families also increased the placement of indigenous children in white homes. In the early 1970s, a survey completed by the Commission on Population Growth and the American Future, an organization dedicated to addressing the population "explosion," revealed that "more than half of [the adult Americans] queried said they would consider adopting a child if they had two children and wanted more. Almost half of those said they would approve of adopting a child of a different race." According to the Commission, this worked well since "there are few white babies available." The relatively small number of white children eligible for adoption compared to the number of nonwhite children stemmed in large measure from welfare workers' identification of families of color as dysfunctional as well as their inclination to remove children of color from these environments. White families experienced problems similar to those of nonwhite families, but they were not victims of the racism and paternalism that encouraged welfare workers to judge parents of color as incompetent. Poor families of color received social services that placed them under the surveillance of welfare workers, while middle- and upper-class families avoided such scrutiny.

For many adoptive parents, adopting Native American children seemed like an attractive option. They imagined indigenous children as noble, close to nature, and "disappearing," as well as closer to white in physical appearance than other children of color. Because of welfare workers’ willingness to remove Native children from their parents, and white adoptive parent’s eagerness to accept these children, approximately 85 percent of the Native American children placed in foster and adoptive care resided with non-Indian families.

Counter to the goals of foster and adoptive placements, many white adoptive families could not give indigenous children adequate care because they found parenting a child of another race too challenging. One couple wanted a second child, but their adoption agency only placed "special kinds of children," including Native children, with families who already had a child. The couple expressed anxiety about adopting a Native American child, but they agreed to do so because the adoptive mother feared that if she declined, she would "not be given a chance for any other kind of child." The woman admitted that "the [social] worker made a mistake in promoting Indian adoption with us because she did not see that there was a frightened side of my personality." The couple adopted the child anyway. Another parent confessed, "Frankly, I was hesitant when they raised the question of placing an Indian child with us. I asked my wife if she could love an Indian baby as much as a white one . . . I concluded that if she could do so, I could also." Reflecting on his adoption of a Native girl, one father admitted, "As I look back upon it, we did not really think through the situation
sufficiently. When I saw [the child], I felt troubled and continued to feel troubled even after taking her. When I am really being honest with myself, I have to recognize that I am essentially a prejudiced person.” With the help of the IAP, many white couples adopted indigenous children despite such misgivings.

On the eve of its closing, the IAP claimed that its “objective for all Indian children remains the same as when this project began in 1958: that all Indian children have the opportunity for a good life within their own family, or at least with a family of their own tribal heritage . . . But if this is impossible, then on the basis of good adjustment made by most Indian children placed with non-Indian families . . . we should continue these transracial adoptive placements of Indian children.” The Child Welfare League of America conducted a study in the late 1960s on the experience of IAP children to prove the efficacy of Indian-white adoption that would continue under ARENA. The study in support of such placements examined ninety-seven Tsimshian, Apache, Pima, Papago, Chippewa, Choctaw, Assiniboine, Blackfoot, Northern Cheyenne, Flathead, Chippewa-Cree, Shoshone, Paiute, Cherokee, Oglala Sioux, Oneida, Menominee, Winnebago, and Arapahoe children and their white adoptive parents over a five-year period.49 The children lived in adoptive homes across the country, with a concentration in eastern urban areas “far from the reservation.” Their ages at adoption ranged from birth to eleven. Roughly, 50 percent of the children came from a reservation and were the responsibility of a state department or welfare agency.

The Child Welfare League study concluded that “the children had fared well physically, intellectually, and emotionally” in their white adoptive homes. Fifty percent or more enjoyed “relatively problem free adjustments;” 25 percent had “adequate adjustments with strengths outweighing weaknesses;” 10 percent survived “adjustments regarded as adequate and . . . guarded;” and 10 percent suffered “serious problems;” with one child’s “future adjustment look[ing] dim.” The study described 90 percent of the adoptive homes as “good” environments. Yet the project focused on the experience of young children, an average age of six, and conceded: “It is to be expected that as our children adoptees get older, the prevalence of problems will increase” based on “other longitudinal studies which indicate increase in problematic behavior with the passage of years.”50 The Child Welfare League study failed to include a longitudinal component that would have provided a more accurate picture of how adopted indigenous children ultimately fared in non-Native environments. According to the study’s indices of successful adoptive care—physical health, developmental progress, and adoptive parent’s satisfaction—the characterization of most of the young children placed in white adoptive care as happy and healthy appeared correct.

As the children reached adolescence and adulthood, their experience in white communities changed. External racism and internal questions about roots and identity confronted adoptees as they grew up. Specialists and activists against interracial adoption argued that although Native youth functioned well in white homes as young children, their experiences grew increasingly complicated as they got older. Although they “looked” Native American, they had no connection to that ethnic and cultural identity and strangers called on them to account for that discrepancy. Dr. Joseph Westermeyer of the University of Minnesota’s Department of Psychiatry argued that Native adoptees that “have no group or no identity” were more likely to encounter social, mental, and penal difficulties.51 Indigenous children raised in white homes and communities also encountered increased instances of racial discrimination as they got older and exercised greater autonomy within their communities. According to Westermeyer, these teenagers experienced problems with interracial dating, securing jobs, and racial epithets.52 Of course, the forced and coerced relinquishment of children proved devastating for Native parents as well. According to William Byler, executive director of the Association on American Indian Affairs (AAIA), the threat that “their children will be taken away from them” loomed large in the minds of parents. Psychiatrists testified that upon losing their children, a majority of Native American parents experienced a “sense of hopelessness and despair” that resulted in withdrawn and
unhealthy behaviors. These reactions created a self-fulfilling prophecy: parents felt helpless to tackle a complicated and culturally insensitive welfare system and welfare workers felt justified in their decision to remove children from parent who provided “inadequate care.”

Besides the challenges parents and children faced, Native nations and tribal sovereignty suffered through interracial adoptions. Treaties with the federal government made clear that indigenous nations enjoyed a government to government relationship with the United States and were not subject to state laws. When state welfare workers, in conjunction with private organizations such as the IAP, came to Indian country and coerced parents to relinquish their children, they ignored the sovereign rights of tribes to protect child welfare. Yet, tribal courts were perfectly capable of presiding over legal issues pertaining to child placements. The problem of rampant adoption extended beyond the personal experiences of parents and children or even the cultural ramifications of more than 25 percent of a generation losing contact with their communities. Unmitigated adoption threatened tribal sovereignty.

Activists and Mothers: Women Respond

For Native nations and activists, the threats that adoption posed to tribal sovereignty called them to action. Blame for adoptions and the conditions that precipitated them fell squarely on the BIA and the Department of Health, Education, and Welfare. Byler charged that because “the BIA and HEW both provide[d] substantial funding to state agencies for foster care . . . [they] subsidize[d] the taking of Indian children.” Women activists articulated a critique of adoption that acknowledged challenges to child welfare in Indian country while condemning the removal of children as the solution. They argued, “Indians realize there are times when children should be removed from their own homes, but Indians are in a better position to determine that need. In addition, children should be placed in homes in their own communities so they do not lose contact with their roots and may retain a relationship with their family . . .” Although the response to rampant child foster care and adoption came from multiple sources throughout Indian country, women activists played a particularly crucial role in arresting the practices.

The formal campaign against federal and state child welfare practices in Indian country began in 1968. Overwhelmed by the number of children removed from their reservation, the Devil’s Lake Sioux in North Dakota asked the AAIA for support. The tribal council had established a policy that prohibited state welfare agents from taking children off the reservation for foster and adoptive care. In response, the Benson County Department of Welfare denied the tribe BIA welfare monies administered by the county in an attempt “to starve the tribe into submission” and force it to repeal the legislation. The Devil’s Lake Sioux refused to acquiesce. A delegation of tribal members along with representatives of the AAIA convinced the BIA to permit the tribal legislation to stand, bypass county intervention, and give these funds directly to the tribe.

In response to the experience of the Devil’s Lake Sioux, the AAIA conducted surveys in 1969 and 1974 on child welfare. These surveys found that 25–35 percent of children lived away from their parents and communities in institutions, foster placements, and adoptive homes. The AAIA charged that welfare agents took children from their families primarily because these homes did not meet white middle-class material standards and child-rearing expectations, not because they presented any danger to the children residing there. For example, in one North Dakota tribe, welfare agents removed only one percent of Indian children from their homes because of physical abuse. Such glaring problems with the judgement of state and county welfare agents led the AAIA to conclude that the “ultimate responsibility” for child welfare must: “rest with the American Indian tribes and urban communities.”

In the late 1960s, with funding from Department of Health, Education, and Welfare (HEW) and assistance from the AAIA, the Devil’s Lake Sioux created a Family Development Center to serve the
children of tribal members who were incarcerated for “public intoxication and other misdemeanors.” Following a parent’s arrest, tribal children had previously gone to foster placements overseen by county officials off the reservation. The tribe used the new Family Development Center as “an alternative to incarcerating the parents,” so that “the parents and the children were able to live together and receive counseling in a homelike environment.” According to the AAIA, prior to the center’s establishment, roughly one-third of reservation children landed in non-Indian foster care placements. As a result of the Center’s housing facility and outreach program, by the 1970s “only under the most exceptional circumstances [was] a child placed off the reservation.”

Armed with their investigative analysis about the number of children in foster and adoptive care and the demonstrable success of tribally controlled solutions to the problem, the AAIA agitated for a federal investigation on child welfare. The organization demanded that the federal government “end the child-welfare crisis, both rural and urban, and the unwarranted intrusion of Government into Indian family life.” In response to this demand and the findings of the AAIA’s studies, Senator James Abourezk (D-South Dakota) and the Senate Subcommittee on Indian Affairs held oversight hearings on Indian child welfare in April of 1974. The Senate hearings revealed the large numbers of children in foster and adoptive care and exposed problems with state interference in tribal jurisdiction over child welfare matters, cultural bias on the part of welfare workers, and structural barriers that prevented indigenous adults from qualifying as foster and adoptive parents.

At the hearings, AAIA attorney, Bertram E. Hirsch, offered seven suggestions that “promot[ed] maximum Indian self-determination in solving” child welfare issues. This included the proposal that Congress pass a law supporting tribal control of Indian child welfare that required economic and structural support from HEW and the BIA. In the suggested legislation, all indigenous child welfare cases would proceed through tribal courts, and the tribes would certify foster homes.

Between the initial oversight hearings of 1974 and Senator Abourezk’s introduction of the Indian Child Welfare Act in 1976, Native women continued to remonstrate against the removal of children from their parents and communities and to establish alternatives to state child welfare agencies. The North American Indian Women’s Association (NAIWA), for example, worked for changes in child welfare protocols and the conditions that led to removal of children from their homes. For the latter issues, in particular, they considered preventative measures and BIA financial assistance as crucial to achieving their goals. While NAIWA was concerned with the large numbers of children raised away from their parents and outside of tribal communities, it focused specifically on family challenges. Although welfare agents often removed children from their communities because Native families fell short of white social and economic standards, NAIWA argued that in some cases, problems with substance abuse and neglect mandated such action. The organization identified substance abuse, suicide, and other problems “contrary to the traditional Indian way of life,” that made foster and adoptive placements necessary. Although welfare workers viewed these problems as fixed and culturally determined, NAIWA understood them as part of the colonial legacy and solvable, if addressed. Therefore, NAIWA focused its work on the core causes of child removals, rather than on the actions of state welfare agents. NAIWA argued that in order to prevent the taking of children, tribes and communities had to confront the issues that challenged families and procure financial support from the BIA to deal with them. In a 1974 resolution, NAIWA demanded that the BIA “increase allocations for social services, including . . . mental health services, and . . . sponsor training for more Indian social workers in the areas of child welfare, [and] counseling services . . . “. According to the group, keeping children in their homes meant that Native communities must establish comprehensive social services.

An organization of indigenous women in New Mexico, Native American Children’s Advocates, also argued that Native nations should control child welfare issues. Native American Children’s Advocates emerged from the April 1974 National Indian Child Development Conference in Albuquerque, New Mexico. The conference, organized by Native mothers and their supporters, drew
national audience and identified both problems with and solutions to child welfare practices. Native American Children’s Advocates argued that tribes must create laws to protect children, hold welfare agencies “accountable to the tribes they serve,” and establish “preventative counseling” for Native families. In addition to actions, Native nations should take, the organization argued that adoption agencies must find Native homes for children and inform themselves about Native cultures and tribal legal rights. Like NAIWA, Native American Children’s Advocates argued that the tribes had a crucial role to play in stopping Native child foster and adoptive placements with non-Indians.

Native American women, and some men, in urban settings organized child welfare alternatives similar to those created in Indian Country. Project Ah-be-no-gee (Anishanabeg for child), began in 1975 in Minneapolis and served the needs of urban indigenous residents in that city. Funded by HEW’s Office of Child Development and run by Native leaders at the Center for Urban and Regional Affairs at the University of Minnesota, the project endeavored to bolster the use of counseling services, establish preventative social service measures for families, and create legislation for state and local courts and agencies regarding Native child welfare.

In part, project Ah-be-no-gee worked on making courts accountable for the implementation of Indian child welfare legislation and for making placements that were truly in the best interest of children, parents, and tribes. It also established preventative services and therapeutic care that resulted in healthier families and communities and lower rates of child removals. Similarly, the Native American Committee (NAC) in Chicago encouraged Native communities to cultivate indigenous resources in order to protect Native children. For NAC, this meant establishing enough Native foster and adoptive homes for children in need of care. To meet this objective, NAC helped Native families navigate the foster and adoptive parent certification processes. Although tribes and organizations could not legislate for nontribal entities or hold non-Indian courts accountable for tribal legislation, their actions to educate both indigenous people about their rights and non-Native institutions about sovereignty as they pertained to child welfare helped accomplish the goals of increased control over child welfare.

Cognizant of the issues Native women raised about the rights of families and the issues they faced, the tribes also exerted control over child welfare. Using money from the Economic Opportunity Act and the Juvenile Delinquency Prevention and Treatment Act as well as grants from the BIA, Native nations created tribally run child welfare programs. For example, the Rosebud reservation created an “Attention Center” in 1972 to meet the needs of adolescents judged delinquent by the tribal court. At the center, the youth received counseling and a place other than tribal jail to stay. This service prevented these children from being sent to foster care or a boarding school. The Mississippi Choctaws created a similar organization in hope of circumventing both the removal of children and criminal behavior among the tribe’s youth. The Choctaw Youth Development Center was a residential facility that provided therapeutic care to girls and boys who were “abandoned or neglected” or “leaned toward delinquent behavior.” These tribally run organizations addressed the social problems that previously had brought outside intervention in child welfare and kept children in their home communities and with their families.

Indigenous women working within Native nations created tribally run child welfare alternatives to county, state, and federal programs. Similar to the child welfare projects in urban areas, these initiatives centered on the well-being of the entire community and the empowering of the tribe. In response to a lack of knowledge about Quinault culture by outsiders and intervention in child welfare issues by nontribal authorities, Goldie Denny, Director of Social Services for the Quinault Nation and member of the National Congress of American Indians (NCAI) started a tribally controlled child welfare program. According to Denny, the “Quinault tribe has developed, on its own, with no help from the Bureau of Indian Affairs, no help from the state, no help from the county, a human resource delivery system consisting of the provision of 34 different types of services on the reservation.” After five years of operation, Denny’s social service department handled all of the Quinault Nation’s child welfare services and enjoyed more credibility in the courts “than the
department of social and health services does in our area.” Licensed indigenous foster homes grew from seven to thirty-one, and children’s time in foster care decreased from an average of five years to one year. Most strikingly, the tribe returned fifty-two Quinault children in foster care to their biological parents. By putting tribal assets into a human resource delivery system, Quinaults provided stable short-term foster care for many of their children while addressing the needs of families. The Quinault Nation’s social service program exemplified the argument Native women put forth about child welfare. With a focus on preventative measures, tribes addressed the issues in their communities, and in the end they exercised tribal sovereignty by solving the problems of troubled families. The Quinault social service program highlighted the possibilities when families in crisis received culturally specific counseling and support. Rather than removing children, Quinaults sought to assist all members of the family unit to make the child’s biological home a safe place to live.

As women within Native nations and organizations addressed the problem of child welfare, the HEW, the American Indian Policy Review Commission (AIPRC), and the American Academy of Child Psychiatry studied the issue. Criticism of HEW made by the AAIA, NCAI, the National Tribal Chairman’s Association, and others during the 1974 Senate oversight hearings prompted the organization’s self-study of Indian child welfare. *Indian Child Welfare: A State of the Field Study* published by HEW in 1976, concurred that the federal government must support tribal governments’ control over child welfare and provide the tribes with adequate funding to do so. The study examined ten reservations, seven off-reservation communities, and the policies of twenty-one states regarding child welfare. It found that the US$10.7 million available to tribes to share for development programs ranging from economic improvement to education was not enough for them to create tribally run child welfare systems. The HEW study also argued that “the most pressing need is for more involvement by tribal governments and other Indian organizations in the planning and delivery of [child welfare] services.” HEW acknowledged that further intervention of non-Indian child welfare agencies would only exacerbate rather than ameliorate the problem. The study put forth four goals for improving child welfare practices. The first objective encouraged the participation of tribes and indigenous communities in child welfare issues. The second addressed the gap between Native cultures and established child welfare policies. The third supported the placement of children in Native foster and adoptive homes. The final goal allocated resources to assist families and communities in their efforts to create social service programs that maintained health, safety, and wellness.

The same year, the AIPRC included in its sweeping survey of issues in Indian country an investigation of adoption and foster care. The AIPRC commissioned the AAIA to prepare a study on adoption that surveyed conditions in Alaska, Arizona, California, Idaho, Maine, Michigan, Minnesota, Montana, Nevada, New Mexico, New York, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming. The AIPRC task force four on Federal, State, and Tribal Jurisdiction concluded that “removal of Indians from Indian society has serious long- and short-term effects, both for the tribe and the individual child . . . .” The study argued in favor of the tribes maintaining control over child welfare matters and of the federal government providing Native nations with adequate funds to address such issues at the local level. The AIPRC suggested that Congress create “comprehensive legislation” that solved the “problem of Indian child placements.”

The Senate oversight hearings of 1974, the actions taken by tribes and organizations publicized in *Indian Family Defense*, and the subsequent studies conducted by HEW and the AIPRC culminated in the introduction of the Indian Child Welfare Act. The bill supported tribal control over child welfare, set standards for foster and adoptive care placements, and sought to strengthen the Native American families rather than destroy them. Senator James Abourezk introduced the Indian Child Welfare Act, drafted by the AAIA at the Senate Interior Committee’s request, at end of the Congressional year in August of 1976. He reintroduced the bill with cosponsors senators Hubert Humphrey (D-Minnesota) and George McGovern (D-South Dakota) at the beginning of the ninety-fifth
Congress in April of 1977. The Senate and House of Representatives heard testimony from the AIPRC, the NAIWA, the BIA, the ARENA, the Church of Jesus Christ of Latter-day Saints’ (LDS) Indian Student Placement Service, and Native nations and individuals throughout 1977 and 1978.80

The bill sparked mixed reaction from Indian country and those involved in Indian child welfare. Native organizations and tribes generally supported the legislation, although they expressed concern about how it affected children, tribal sovereignty, and nonrecognized tribes. They also argued that Congress must increase the bill’s proposed funding. The BIA, ARENA, IAP, and the LDS Indian Student Placement Program challenged the bill because, they claimed, it privileged tribal sovereignty over the rights of individual children and their parents. Theoretically, these organizations had the “best interest” of children at heart: they wanted them in healthy, safe environments. Their focus, however, obscured the best interests of the tribes, which had a stake both in the welfare of their children and their sovereign right to manage child placement issues. These organizations also failed to acknowledge the potential damage of raising indigenous children away from their home communities and cultures.

Native American women, representing both nations and organizations, supported the preliminary version of the bill but saw ways to improve the pending legislation. Ramona Bennett, Chairwoman of the Puyallup tribe, testified before the Senate Select Committee on Indian Affairs that the “Puyallup tribe sees this National Standard [ICWA] as an opportunity to provide relief to our members and individual Indian people who currently are subjected not only to the ‘state standards’ but also to the racist application of those standards by non-Indian, non-sensitive social and caseworkers of ‘state agencies.’”81 Yet, Bennett and the Puyallup Nation had serious reservations about aspects of the bill and urged Congress to resolve them before signing it into law. According to Bennett, the Puyallup Nation found that “the bill requires such strict and unreasonable ‘causes for removal’ that children would be left for years in semi dangerous, semi functioning family situations. There is absolutely no opportunity for Tribes, or Urban programs working with State or Tribal Agencies to intervene on the behalf of children who are receiving inadequate care. Some discretion must be incorporated into the final draft.”82 Bennett and her tribe wanted the bill to address the issues families faced, rather than merely curb child removals. In its attempt to keep children in Native communities, the bill focused, in the Puyallups’s estimation, on keeping children with their parents regardless of the level of care those parents provided. Bennett demanded that the final version of the bill include provisions for interventions by tribal, local, and state agencies on behalf of families in need of assistance. Then not only would children remain in their families of origin, but their parents could receive the services they needed to strengthen their homes. At the same time, children would get attention and care from these agencies during transitional periods.

The NAIWA issued a letter, penned by Hildreth Venegas, which supported the bill and offered suggestions. “Among [our] immediate concerns is the welfare of our children,” the letter asserted, but the group feared the current version of the bill threatened tribal sovereignty. NAIWA argued that the “federal standards” outlined by the bill “imposed undue limitations on tribal sovereignty” because these rules applied to “all tribes regardless of varying customs and traditions.” Although the desire to exercise sovereignty and control child welfare united Native nations, each tribe had a distinct history and set of cultural practices. NAIWA feared that ICWA’s imposition of a national standard for all tribes would ignore these cultural differences and compromise the ability of individual nations to control child welfare as they saw fit. NAIWA urged “tribal leaders to review very carefully the contents of S. 1214 and to testify at Senate hearings to request amendments to provide acceptable standards and the necessary special services which should be included in the Indian Child Welfare Act of 1977.”83 NAIWA’s concerns over threats to tribal sovereignty made sense, given its approach to the child welfare crisis; they argued that in addition to federal legislation, the tribes must pass their own laws creating tribally specific protocols and social services.
Omie Brown, director of the Urban Indian Child Resource Center of Oakland, California, a subgroup of the Indian Nurses of California, Inc., supported the bill but demanded that it include terminated tribes. Indian Nurses of California, Inc., formed the Urban Indian Child Resource Center to help “innocent victims of parental neglect and/or abuse.” The center assisted 215 Native families in the Bay area with food, clothing, and guidance in registering to become foster parents. Prior to the organization’s efforts, only one indigenous family in Alameda County held a license to provide foster care. The Urban Indian Child Resource Center licensed six foster families and planned to add an additional ten. Brown urged the Senate to rewrite the “definition of Indian in section 4, paragraph (b)” so that it included members of terminated tribes and read: “‘Indian’ or ‘Indians,’ unless otherwise designated, means any individual who (1) irrespective of whether he or she lives on or near a reservation, is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups, terminated since 1940 and those recognized now or in the future by the State in which they reside, or who is a descendent, in the first or second degree, of any member or (2) is an Eskimo or Aleut or other Alaska Native, or (3) is determined to be an Indian under regulations promulgated by the Secretary.” Despite criticism of the bill, the Center, as well as most women’s organizations and tribal representatives, were willing to support federal legislation that addressed child welfare and facilitate its passage.

President Jimmy Carter signed Public Law 95-608: the Indian Child Welfare Act in 1978. ICWA sought to maintain “the integrity of Indian families by eliminating abusive child-welfare practices that result in unwarranted Indian parent-child separations, ending discrimination that has prevented Indian parents from qualifying as foster or adoptive families, and providing Indian communities with comprehensive child-welfare and family service programs.” The act formally acknowledged the impact that the removal of children had on indigenous families, cultures, and sovereignty. The federal government took responsibility for creating “minimum federal standards” for taking children away from their homes and promised that these regulations would “reflect the unique values of Indian culture, by providing for assistance to Indian tribes in the operation of child and family service programs.”

ICWA supported tribal control over welfare and court proceedings for child removals. The act placed children in need of foster or adoptive care first with indigenous families when possible. It put children who belonged to federally recognized tribes as well as children who were members of terminated and nonrecognized groups (contingent on the group’s ability to prove their legitimacy as a tribe) with their extended family, their tribe, and finally other Native Americans. In addition, parents, custodians, and tribes received full disclosure about placements and had the right to intervene at any time during placement proceedings. Parents could challenge finalized adoptions, if agents wrongfully obtained their consent for the adoption. In order to remove a child from his or her home, caseworkers needed to prove in the legal proceedings that they had exhausted all other options and demonstrate that keeping the child in his or her home would cause harm. Finally if the child’s tribe observed a different protocol regarding foster care placements and adoption, the proceedings would follow the wishes of the tribe.

In practice, ICWA protected the interests of Native children, parents, and nations in two primary ways. First, the act endeavored to keep Indian children in their home communities and with their biological families. It achieved this goal by ensuring that the state courts comply with the act’s regulations and that they hold welfare agencies accountable to them. Second, ICWA contained a transfer provision that allowed cases of foster care and termination of parental rights to go through tribal courts. This permitted the tribes to exercise sovereignty by maintaining control over child welfare proceedings and employing whatever standards they had chosen for such matters. In cases where a parent terminated his or her parental rights prior to adoption, the tribe functioned as the “primary benefactor” of ICWA’s stipulations and acted as custodian to the child. In these instances, the rights of the tribe superseded all others.
Despite its promising agenda, the Indian Child Welfare Act initially caused mixed results. ICWA helped educate state courts and social welfare agencies about the issues specific to indigenous child adoption and foster care placements. The act also upheld the sovereign right of Native nations to protect the welfare of their children. In practice, however, courts and caseworkers struggled with the transition to new regulations. Native communities suffered a lack of licensed foster parents. Most significantly, the twenty-six million dollars appropriated to implement the act was not sufficient to execute its objectives properly. ICWA failed to provide the funding that activists and tribes thought necessary to address the social problems that caused the removal of some children from their families.

Almost immediately after the bill became law, Native women’s groups mobilized to put the provisions of ICWA into operation. The Indian Women’s Defense Committee in California held workshops to assist child welfare workers in making the transition to the new policy. The group also addressed issues specific to terminated tribes, whose members needed to prove tribal legitimacy before they could benefit from the law. The Assembly of California Indian Women organized five statewide meetings to discuss what the act implied for them as well as possible hurdles.

Certainly, problems with licensing Native American foster parents challenged ICWA’s promises. Nearly a year after Congress passed the Indian Child Welfare Act, Los Angeles County had approximately seventy indigenous children in foster care but only four to six registered Native foster families in the area. According to Arlene Gilbert of the Los Angeles County Department of Public Social Services, “the major problem” involved in implementing the ICWA was “the inability of Indian families who were interested [in being foster parents] to meet the licensing standards.” Specifically, poverty, overcrowded living space (according to licensing standards), and previous arrest records prevented some willing adults from becoming foster parents. One Native foster family summed up the problem: “Indian peoples’ standards and ways of life do not meet the standards of the welfare department.” According to this couple, many adults were wary of becoming foster parents because they thought that courts and social service institutions were judgmental institutions that would reject their candidacy out of hand. These barriers also resulted in the continued placement of Native children in nonnative homes. In Portland, Oregon the Indian Child Welfare Program of the Urban Indian Council described the “crucial need” in their area for Native foster parents. Without registered foster families, ICWA could not realize its goal of keeping children with Native families. Licensing foster parents was a particular challenge in urban areas because much of the population had recently moved there, and they were too poor or otherwise unable to serve as foster parents.

Lack of funding presented tribes with the greatest challenge to successful implementation of ICWA. The Navajo Nation, for example, requested US$2.7 million to apply ICWA’s provisions to its 70,000 minors, but the BIA allocated US$47,005 to the Navajos, which the Navajo Nation’s Department of Social Welfare saw as grossly insufficient. In a 1980 Senate oversight hearing on the implementation of ICWA, testimony came from the Navajo Nation as well as the Intertribal Council of Arizona, Yakima Nation, Fort Belknap Indian Nation (including the Gros Ventre and Assiniboine tribes), Crow Tribal Council, Central Maine Indian Association, Sisseton-Wahpeton-Sioux Tribe of the Lake Traverse Reservation, and the Intertribal Children’s Program (serving the Iowa, Sac and Fox, Kickapoo, and Prairie Band of Potawatomi in Kansas). All argued that ICWA provided tribes and organizations with inadequate funds to meet its goals. Despite these critiques, Congress continued to appropriate insufficient funding for ICWA.

**Conclusion**

Notwithstanding problems with the implementation of ICWA, activists and tribal leaders had addressed a crucial problem in Indian Country and reaffirmed tribal sovereignty through the passage of ICWA. Indigenous women activists issued a critique of child welfare practices that demanded the
tribes also look at social problems in their communities and address them. Real challenges existed in families and communities as a result of poverty and substance abuse—both consequences of colonialism. Indigenous women activists and tribal officials saw these connections. In addition to creating tribally run social service programs, these women played a significant role in agitating for reform and influencing ICWA. In its final form, ICWA supported tribal sovereignty, defended the role of the tribes in the adoption and foster care decision-making processes, and set up a system for keeping Native children in their communities. At the same time, it overlooked the more complicated argument indigenous women put forth about protecting families from the effects of colonialism in the first place.

In her recent work, *A Generation Removed*, Margaret D. Jacobs cogently argues that a desire to foster and adopt indigenous children in the postwar world links strikingly similar events in the United States, Canada, and Australia during the second half of the twentieth century. The book’s transnational analysis makes clear that these complicated, painful, and at times shocking stories speak not to the deficiencies of indigenous families (as long assumed) but to the pervasive and insidious nature of settler colonialism. For the settler, desire to occupy and claim territory is not only a narrative of wars, genocides, and forced removals. It is also a story of eliminating Native peoples culturally and politically through the taking and raising of indigenous children. Many Native American women saw this paradigm clearly and—in era continually understood as the moment when women in the United States sought to shed their private identities as mothers for more public and professional ones—launched a radically different political campaign that makes plain the relative-ness of women’s political concerns in any era. Rather than question the validity of the nuclear family, they sought to uphold the extended one. They vested the intimate issue of child welfare with political consequence as they worked tenaciously to protect their most precious asset.

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**Notes**


12. *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1877*, 32. JH Stout of the Pima Agency (comprised of the Pima, Maricopa, and Papago), discussing the Pima and Maricopa.


20. Ibid., 10–11, 3–4, 54, 104.


24. Ibid.


28. Exact numbers of Indian children adoptive homes: Minnesota (2,331 of 12,672); Michigan (994 of 7,404); Wisconsin (1,278 of 10,176), and South Dakota (1,851 of 18,322).


36. David Fanshel, *Far from the Reservation: The Transracial Adoption of American Indian Children, a Study Conducted under the Auspices of the Child Welfare League of America, New York, New York* (Metuchen, NJ: The Scarecrow Press, 1972), 59, 280. In mean averages, the mothers surveyed were 24.9 years of age, had nine years of education, had 2.8 children, and 46.8 percent never married.


43. Ibid., 3.


48. Fanshel, *Far from the Reservation*, 93, 89.

49. Ibid., 49, 58.

50. Ibid., 287, 282, 323.


52. Ibid.

54. Ibid.
62. Ibid.
63. Ibid.
64. NCAI Papers, Other Indian Organizations, North American Indian Women’s Association (Box 154), Constitution and Bylaws of North American Indian Women’s Association, Inc. ND, 1, National Anthropological Archives Smithsonian Institution, Washington, DC.
65. NCAI Papers, Other Indian Organizations, North American Indian Women’s Association (Box 154), Resolution 10-74 adopted on June 23, 1974 in Sisseton, South Dakota, National Anthropological Archives Smithsonian Institution, Washington, DC.
71. Ibid.
72. Testimony of Goldie Denny, Director of Social Services, Quinault Nation and National Congress of American Indians. Indian Child Welfare Act of 1977, Hearing before the United States Senate Select Committee on Indian Affairs, 95th Congress First Session on S. 1214 to Establish Standards for the Placement of Indian Children in Foster or Adoptive Homes, to Prevent the Breakup of Indian Families, and for Other Purposes, August 4, 1977, 78–79.
73. Ibid., 79.
77. Report on Federal, State, and Tribal Jurisdiction, 78; Hearing Before the Subcommittee on Indian Affairs and Public Lands of the Committee on Interior and Insular Affairs, House of Representatives, 95th Congress Second Session on S. 1214, To Establish Standards for the Placement of Indian Children in Foster or...


79. Indian Family Defense had a circulation ranging from 3,000 to 5,000 during 1974–1979.

80. Association on American Indian Affairs, Indian Family Defense, no. 6 (December 1976), 6; Association on American Indian Affairs, Indian Family Defense, no. 8 (November 1977), 2; Association on American Indian Affairs, Indian Family Defense, no. 10 (June 1978), 1. The Senate passed the act in November of 1977; Morris K. Udall (D-Arizona) and sixteen cosponsors introduced the bill in the House in 1978.

81. NCAI Papers, Testimony of Ramona Bennett, Puyallup Chairwomen, Before the Select Committee on Indian Affairs, United States Senate on S. 1214, August 4, 1977, Committees and Special Issues, Health: Child Welfare, ARENA folder, (Box 299), National Anthropological Archives Smithsonian Institution, Washington, DC.

82. NCAI Papers, Bennett Testimony, 2.

83. Letter from Hildreth Venegas, North American Indian Women’s Association, 292. Indian Child Welfare Act of 1977, Hearing before the United States Senate Select Committee on Indian Affairs, 95th Congress First Session on S. 1214 to Establish Standards for the Placement of Indian Children in Foster or Adoptive Homes, to Prevent the Breakup of Indian Families, and for Other Purposes, August 4, 1977.

84. Testimony of Omie Brown, Director of Urban Indian Child Resource Center of Oakland, California, Hearings Before the Subcommittee on Indian Affairs and Public Lands of the Committee on Interior and Insular Affairs, House of Representatives 95th Congress, Second Session on S. 1214 February 9 and March 9, 1978, 29.

85. Ibid., 138–42.


87. Association on American Indian Affairs, Indian Family Defense, no. 11 (February 1979), 1.

88. Indian Child Welfare Act, Public Law 95-608, Section. 3.

89. Ibid., Section 105.


91. Ibid., 109–12.


93. Ibid., 99.


**Author Biography**

Meg Devlin O’Sullivan holds a PhD in history from the University of North Carolina at Chapel Hill with concentrations in Native American and women’s history. She is an assistant professor of history and women’s, gender, and sexuality studies at the State University of New York at New Paltz. Her publications in the *Chronicles of Oklahoma* and the *Tennessee Historical Quarterly* look at gender, work, and cultural identity in the Cherokee Nation during the nineteenth century. Forthcoming work examines reproductive justice, child welfare, and indigenous women’s activism during the late twentieth century.