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., on 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 school 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 values 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.

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
Dear Mr. Herm Wade Olsen,

Office of Congressman McKay
1203 Longworth Building
Washington, D.C. 20515

June 8, 1977

Mr. 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,

Stephen M. Gudac

SMG/ms

Enclosures
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.
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 Senate and House Sub-Committee on Indian Affairs. It will be very helpful 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,

Jh/4-36

Karen Keith
1419 183rd Ave.
Longview, WA 98632

405/0

Karen Keith
1419 183rd Ave.
Longview, WA 98632

100 copies were signed by poet and artist.

July 7, 1977

Joseph Thompson
Gladson, 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 just wrongs, that the good of today's children could be so misplaced or ignored.

We have three homemade children, all grown, one grown daughter, one lovely adopted Indian daughter, two wonderful adopted Indian children, who are natural brother and sister, and our little "special angel," she has Down syndrome. We adopted her.

As a foster parent for about 10 yrs. and intern parents for about 2 yrs. We have seen just about everything from battered babies to teenagers in trouble with the law.
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, to be in school, and in everyday life. He was a very sensitive boy, and whenever loving, outgoing and happy. This bill would be tragic not only our own children, but hundreds of others who are now or 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 the family historical and cultural ties in the tribal office, they learned survival. But now the tribe has taken their living, their children to the whites. Not our children!

I beg you to reconsider this bill!
This is backward legislation and will not further the cause of equal justice for all Indian children. 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
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
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 remove 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. Clinton D.)
Very truly yours,

(Mrs. Winifred M. Kromholtz)

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

Very truly yours,

(Mrs. Winifred M. Kromholtz)
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 seem to 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

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

August 12, 1977

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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 seem to 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

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

July 26, 1977
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,

(Mrs.) Mildred Wright
1624 North 55th
Seattle, Washington 98105

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 otherwise think.

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 know 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. 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 these 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 those children and those 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.
Dear Mr. Humphrey,

We are writing in reference to Bill #5.1214 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 immense 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 unwise, allowing such excessive power would endanger many successful placements and the related family units. No one should have such undefined and open powers as this bill would allow.

The potential abuses could lead to many nightmares. As a parent, how would you 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 the 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 federal authorities, the result 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 denying placement of children for the wrong reasons, resulting in child abuse and family stress. The bill offers 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 some problems that external adoption is entirely insignificant.

This bill creates tremendous problems for licensed agencies in recruiting services to families. Several provisions would encourage placements,
I refer completely suitable beneficial activities with the Indian families. 

The bill is an extremely misguided attempt to help Indian families. It is outrightly discriminatory! It takes away individual rights and freedoms. It appears to us that this bill is trying to confine Indians to the reservation with one 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, or other American minorities, etc., who have also been unjustly treated?

With deep concern,

Mr. and Mrs. Daniel James
2137 West Verde Lake
Phoenix, Arizona 85101

As sponsor of this bill, have you really read it?

Chairman Above
Senate Office Bldg.
1500, DC 20510

Dear Sir,

I am writing to you to see if you know what you would be doing to the children if you pass the bill. Do you want the children to be happy until their 18th birthday? I am sure that adopted children are the same as biological children. I want you to put the bill aside. We should keep children back to their roots. Please do not vote for this bill. Please vote for the children.

Thank you

[Signature]

PS. The bill makes it a crime to adopt any 19 Indian children without...