

UNITED STATES



OF AMERICA

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 95<sup>th</sup> CONGRESS  
FIRST SESSION

VOLUME 123—PART 17

JUNE 23, 1977 TO JUNE 30, 1977

(PAGES 20481 TO 21954)

*Mandatory system*

The mandatory system would establish the Federal grades, and use of these grades would be required by law.

## FINDINGS

A private voluntary system would be of little use as an information aid in purchase decisions as it would not be expected to have wide industry adoption. From a consumer information viewpoint, the only beneficial grading system would be either an improved voluntary/mandatory system or a mandatory one. Federal grade systems for all food products are currently voluntary/mandatory, and the relative advantages and disadvantages of this system—as opposed to a completely mandatory grading system—are as follows:

Mandatory grading of food would be more costly than the current voluntary/mandatory system. This means that for a mandatory system to produce a positive net consumer benefit, the benefits from a mandatory system must exceed those of a voluntary/mandatory system.

For processed foods, OTA's analysis indicated that a mandatory system probably would not produce a positive net consumer benefit. Brand names partially substitute for retail grades. They have allowed society to exercise its perception of quality by selection of one brand name over another. A mandatory grading system would largely duplicate the information brand names currently provide consumers.

If retail grades were mandatory for processed foods, an inevitable consequence would be to suppress differentiation or variability and evolution of product characteristics. Thus, if society looks at the choice of whether or not to institute retail grades for processed foods, an important implication of that choice is what products should be stabilized in terms of characteristics, and what products should be permitted to continue to evolve.

There is no concentration point of firms in the handling of fresh fruits and vegetables relative to other product-marketing channels. This means no economical point exists in the fresh fruits and vegetables marketing channel for interception of large quantities of a product for the purpose of mandatory grading. A strictly mandatory system of grades, therefore, could be extremely expensive because the industry is structurally dispersed. A mandatory system probably would not produce a positive net benefit to consumers, since mandatory grading costs would be substantial and the additional information provided would likely be of marginal benefit to most consumer purchase decisions.

The current fresh red meat marketing channel, unlike fresh fruits and vegetables, does have points of relative concentration of firms. Given this structure, mandatory retail grading is viewed as potentially more feasible. However, net consumer benefit from mandatory grading as opposed to the current voluntary/mandatory system depends on the type of retail grading system implemented and on the type of distribution system for red meat assumed prior to net-benefit calculations.

Three possible systems for red meat grading are analyzed in this report:

- (1) yield per pound or per serving;
- (2) uniform mandatory retail cut identity labeling; and
- (3) a combination of current grades with the other two systems.

There is however, a direct relationship between the type of meat distribution system and the cost of any mandatory retail grading system. This means that net consumer benefit varies by both the type of grading base and the type of distribution system. Further detailed analysis, beyond the scope of this report, is necessary before net consumer benefit from any combination of grading and distribution systems can be determined.

## CONGRESSIONAL OPTIONS

The following are some of the options available to Congress for the voluntary or mandatory grading issue:

Congress could make grading mandatory: For processed foods, designation of current grades could be made mandatory on retail packages for selected products.

For fresh fruits and vegetables, the current wholesale grade criteria could be used and designation of the grade could be made mandatory at retail.

For fresh red meat, the current carcass-grade criteria could be used, and the grade could be designated on all individual retail meat packages.

Congress could make grade designations at retail mandatory for any food product which is currently graded on a voluntary/mandatory basis. That is, if the product is graded, then the retail package must display that grade.

Congress could provide incentives for widespread adoption by industry of the current voluntary/mandatory system for each major product category. Incentives could include a tax break for business firms that adopt the program and/or a direct subsidy to defray the initial cost of the program.

## ISSUE III: GRADE DESIGNATION OR NOMENCLATURE

Confusing grade designation or nomenclature is a major problem for consumers in both fresh fruits and vegetables and processed foods. Uniform, easily understood terminology across grades is a basic need to aid consumers in making food purchase decisions.

There are two basic concerns regarding uniform nomenclature. One is the trade-off between meaningfulness and simplicity in terminology. That is, extremely simple designation for grades (such as A, B, C) impart no meaning in terms of grade criteria. More descriptive grades (such as young, tender, or extra fancy) are more complicated to use but may be more meaningful.

A second concern is that nearly all conceivable grade designations imply rank. One objection to the implication of rank is that a second- or third-grade product may in fact be superior to the top grade, depending on its use or relative price. If simple grade designations were uniformly adopted, such implications of rank might mislead consumers or impart incorrect information to them.

## FINDINGS

There are unsettled questions regarding the optimum terminology for grades of fresh fruits and vegetables and processed foods. However, no reasons have been found for not instituting uniform designations for these products, regardless of the terminology chosen.

The terminology currently used for fresh red meat is uniform for all such products. However, one of the more significant consumer information needs is standard identification of individual retail meat cuts and standardized retail package labels. Voluntary identification and labeling standards devised by the National Livestock and Meat Board, exist for fresh beef. This voluntary program has been adopted as law in some States.

## CONGRESSIONAL OPTIONS

The following are some of the options available to Congress for the grade designation issue:

Congress could standardize nomenclature for the first, second, third, and fourth grades for both processed foods and fresh fruits and vegetables, so they would be consistent from one product to another.

Congress could direct USDA to immediately adopt the new simplified grade nomenclature for fresh fruits and vegetables it announced in July 1976. This would mean that adoption of this program would not remain

at the discretion of growers or processors of these commodities.

Congress could direct USDA to administer a standard labeling and variety identification program for fresh fruits and vegetables sold in retail packages.

Congress could make the current voluntary program on meat identification standards mandatory for all retail meat cuts. This would facilitate uniform identification of retail meat cuts.

## THE INDIAN CHILD WELFARE ACT OF 1977

Mr. ABOUREZK. Mr. President, on April 1 of this year, I introduced the Indian Child Welfare Act of 1977, with the cosponsorship of my friends and colleagues, Senator HUMPHREY and Senator MCGOVERN. I am happy to announce that we have been joined by another of our colleagues, Senator HASKELL. I will be glad to add others who may be willing to support this much needed proposal.

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

Although there has been no widely accepted national study of this problem, most estimates indicate that the number of Indian children in out-of-home placements has been extremely high. A 1962 BIA study of children whose foster care was paid for by the BIA estimated a rate of placement double that for non-Indian children.

During our 1974 Senate hearings on Indian child welfare, several speakers presented statistics on the numbers of Indian children in placement. Dr. James Shore, director of community psychiatry training program for psychiatric residents in the State of Oregon and associate professor at the University of Oregon Medical School, former chief of mental health programs for the Indian Health Service in the Pacific Northwest, stated that 28 percent of the youth under age 18 of the Confederated Tribes of the Warm Springs Reservation in Oregon were in placement several years earlier. Thirty-four percent of these were in foster care placement by the State, 21 percent were in boarding schools, and the remainder were in other off-reservation homes or in tribal foster homes.

A published article by Dr. Joseph Westermeyer, department of psychiatry, University of Minnesota, which was entered into the records, reports statistics from a Minnesota study conducted

between 1969 and 1971, which found that—

The rate of foster placement and state guardianship for Indian children ran 20 to 80 times that for majority children in all counties studied.

Several speakers at the hearings also referred to statistics estimated by the American Association on Indian Affairs, Inc.—AAIA—Which were entered into the record. The AAIA estimates indicate that one out of every eight Indian children in Minnesota was in an adoptive home and that Indian children were placed in foster homes at a rate 4 to 5 times higher than non-Indian children in Minnesota; 2.6 times higher in Arizona; 15.7 times higher in South Dakota; and 9.6 times higher in Washington.

A memorandum from the BIA Billings area director to the Commissioner of Indian Affairs, BIA, agrees with the AAIA estimate that "in Montana Indian children are placed in foster homes at a rate 10 times the national average." However, he disputes the AAIA estimate that 96 percent of foster care placements in Montana are of Indian children. The memorandum cites State figures as of January 1973 that approximately 30 percent of foster care placements made by the State are of Indian children. If BIA foster care placements are included, the percentage rises to 54-percent Indian. If placements in BIA boarding schools and boarding dormitories for social reasons are added and other cases involving Indian children who are living away from home but are not in foster care or in a boarding school, then Indian children account for 17.3 percent of all out-of-home placements in Montana as of January 1973.

#### REASONS FOR OUT-OF-HOME PLACEMENTS

Several reasons have been suggested for the high volume of out-of-home placements of Indian children. First of all, for many years, placements in BIA boarding schools and missionary schools and placements in white foster homes combined with BIA or public school education seemed too many people to be deliberate devices for encouraging Indian children to assimilate into Anglo society. Second, the lack of preventive and supportive services on reservations and in urban Indian communities contributes to the higher placement rates. Third, the high rate of alcohol abuse among Indians has also caused social workers to remove Indian children from their homes in disproportionate numbers. For example, Dr. James Shore reported that alcohol abuse was the primary cause for child removal in 95 percent of the cases on the Warm Springs Reservation.

Some witnesses at our 1974 hearings attributed the high placement rates for Indians to the application of culturally biased standards in judging whether or not an Indian child should be removed from his or her home. William Byler of the AAIA stated that the persons responsible for making decisions about child neglect may not be equipped by their professional training to decide whether or not a child is suffering emotional damage at home, in spite of conditions which might indicate neglect in an Anglo mid-

dle-class home. For example, Indian children are given a great deal more responsibility that is common in Anglo culture. They may play farther from home unsupervised by an adult—although other children are usually responsible for the younger ones. Dr. Joseph Westermeyer also found that in Minnesota parents leaving young children in the care of 8- or 10-year-old children were charged with abandonment.

Several witnesses at the hearings testified to another cause of high out-of-home placement rates of Indian children—the failure of officials to follow proper legal procedures in cases involving the removal of Indian children, thus taking advantage of Indian parents who were not aware of their rights. A number of witnesses at the hearings were Indian people who had lost custody of their children, and their testimony indicated substantial abuses of proper legal procedures. These parents were often unaware of their rights and were not informed of them, and they were not given adequate advice or legal assistance at the time when they lost custody of their children.

Drs. Mindell, child psychiatrist on the faculty of the department of psychiatry at Albany Medical College, and Gurwitt, associate clinical professor in child psychiatry, testified to another cause for the removal of Indian children:

The decision to remove a child from his parents is often made by poorly trained federal and state agency personnel and without the parents' understanding their rights; e.g., where they may voluntarily waive their parental rights without understanding the implications.

Although social workers cannot remove a child from a home without a court order, it is important to note that in the tribal courts the Indian parent usually does not have a professional attorney and may be unable to counteract the professional knowledge of the non-Indian social worker through cross-examination. Dr. Gurwitt stated at the hearings that "the child has had no advocate in court to represent his interests, nor in most cases—have—his parents." Dr. Carl Mindell indicated that courts usually take the word of the welfare worker more readily than the word of the parents.

#### THE IMPACT OF REMOVING CHILDREN FROM THEIR HOMES

An important issue with regard to the placement of Indian children is the effect of placement on both the children and the family. Westermeyer found in Minnesota that "when the children were taken away by a social agency, the Indian couple split up immediately or soon afterward—no exceptions to this were encountered by the authors or reported by informants." A witness at the hearings from Pine Ridge, S. Dak., reported, on the basis of a survey on the Rosebud Reservation, that:

I found most of the people are concerned about the Indian children, but it seems to me like once an Indian family loses a child, they give up.

Dr. Shore testified:

Once placement of the children has been initiated, Indian parents often withdraw,

become depressed and begin or resume intensive drinking.

A 1970 BIA workshop on "social services for parents of children in boarding schools" reported:

Research indicates the door of a child's home begins to close behind him when he leaves home and that if we are going to help families we must get our foot in that door to prevent its closing. Once there has been a break in a parent-child relationship that relationship is difficult to reestablish.

Witnesses testifying at the Senate hearings on Indian child welfare generally agreed that large numbers of Indian children are placed in non-Indian foster or adoptive homes. Westermeyer found that in Minnesota in 1969 of over 700 foster homes caring for Indian children, only two had an Indian parent, although in his testimony at the hearings he stated that more Indian foster homes have been recruited since 1969. An evaluation of the Seattle alternative to foster care project states that a 1974 survey of placements of Indian children in Washington found that 114 of 159 children—72 percent—were placed in non-Indian homes.

A 1962 BIA study—available only in draft form—of children in BIA-supervised foster care found that "over half of the foster mothers were Indian, over two-fifths of the foster fathers." The percentages were somewhat lower for children whose supervision was shared by the BIA and the State or county welfare department. BIA's 1972 followup study found Indian parents in about 65 percent of the BIA-supervised cases. It should be noted that the figures for 1962 and 1972 are not comparable, as the 1962 study asked about mothers and fathers separately, while the 1972 study asked for combined figures for Indian parents.

Indian children placed for adoption have also frequently been adopted by non-Indian families. A witness at the hearings cited statistics from the Tripp County, S. Dak., welfare department that show that from 1967 through 1974, 898 Indian children were adopted, 354 by Indian families and 544 by non-Indian families. Partly because of the decreasing numbers of Anglo children available for adoption and changing attitudes toward interracial adoptions, the demand for Indian children has increased dramatically.

The Child Welfare League also conducted a survey in 1966 of 90 public and voluntary agencies in States having large Indian populations. They found that 696 children of "Indian extraction" were placed with caucasian couples, 14 with Indian couples, 32 with Indian-caucasian couples, and one with Mexican-Indian couple. The remainder were placed with Negro, Mexican, or oriental couples.

The results of placements of Indian children in non-Indian homes have become of grave concern for many Indian people and also for non-Indian people who work with them, especially psychiatrists, psychologists, and social workers. One concern is that Indian cultures are being destroyed by this practice since so many Indian children are not learning Indian ways. A typical Indian view was

expressed by Mr. Phyllis Fast Wolf, an Oneida living in the uptown area of Chicago:

Thinking Indian is a way of life and I think that these children should have an opportunity to learn our heritage and set of values.

This concern was also expressed by a number of witnesses at the Senate hearings; for example, one witness labeled the pattern of placements as "another form of that systematic form of genocide."

The second aspect of the placement of Indian children in non-Indian homes that is of concern is the psychological damage to the children that may result. As one author writes, when children are placed away from the reservation, they "face breaking ties not only with parents and siblings but also with friends, relatives, community, culture, and anything familiar." Several of the psychiatrists who testified at the hearings also reported on the ill effects suffered by environments. While this issues is not specific to placements of Indian children, it is exacerbated by the cultural differences experienced by the Indian child placed in a non-Indian home.

If an Indian child is placed in a non-Indian home while he is still a baby, problems may arise in later years, particularly during adolescence. Dr. Westermeyer testified that the adolescents and adults he had seen in his practice had been "raised with a white cultural and social identity"; then, "during adolescence they found that society was not to grant them the white identity that they had." They encountered this identity problem through pressures from white parents on their children not to date the Indian children, derogatory namecalling, and difficulty obtaining jobs and credit.

The problem was compounded by the lack of an Indian peer group and family to support the Indian children in this identity crisis. Mel Sampson, another witness and a tribal councilman of the Yakima Indian Nation, stated:

They literally suffer when they discover that their physical appearance is not that of their adopted parents. . . . The wonderment and the search for true identity is crucial and probably, at times, never completed.

The evaluation of the alternative to foster care project in Seattle states that placements of Indian children in non-Indian homes "regardless of their quality, pose serious questions regarding the degree of ethnic identification possible for children so placed, and the effect of ethnic identification on general identity formation." To illustrate this point, here are a series of questions and answers taken from our Indian child welfare hearing record.

QUESTION. At what year were you taken from your family?

ANSWER. September 1963, 13 years old.

QUESTION. Why were you taken?

ANSWER. My father died. They thought my mother couldn't take care of us.

QUESTION. Were you taken off the reservation?

ANSWER. Yes, Twenty miles away. I was placed in jail 17 days while they attempted to find me a foster home.

QUESTION. Were you taken to a non-Indian family?

ANSWER. Yes.

QUESTION. How many non-Indian families have you and your brothers and sisters been shipped off to?

ANSWER. Fourteen families.

QUESTION. How many brothers and sisters do you have?

ANSWER. Seven.

QUESTION. What kind of effect did moving you off the reservation, away from your natural parents and family, have on you?

ANSWER. They took me away from my people, from my family, all my friends, brothers and sisters, everyone I lost all my Indianess, language, religion, beliefs, my entire sense of belonging.

QUESTION. As you've grown up, have you felt the hurt of being taken away? Do you miss the time being away from your people?

ANSWER. Yes I especially feel for this same problems for my brothers and sisters. They lost everything.

QUESTION. Have you or your brothers and sisters ever been literally instructed to discontinue or forget your Indian people and their beliefs?

ANSWER. Yes Definitely.

QUESTION. Have you or your brothers and sisters ever been in trouble criminally as juveniles?

ANSWER. Yes. To a large extent.

QUESTION. Do you attribute any of this to your being placed in white homes?

ANSWER. Yes.

QUESTION. Why?

ANSWER. It built in me a resentment, a feeling of anger, they had stolen everything from me. I was mad at the world. I didn't care.

QUESTION. Do you know other Indian children in this area of Minnesota who have been placed in white foster homes?

ANSWER. Yes.

QUESTION. How many?

ANSWER. Over 80 percent of the children of the village I grew up in, Sawyer, on the Fond Du Lac Reservation. The population is 230. Since then I have met many who were also in foster homes.

QUESTION. Would you say, putting Indian children in Minnesota, in white foster homes by welfare is big business?

ANSWER. It certainly is.

QUESTION. Do you think you will ever recover from what happened to you?

ANSWER. I hope so. I just don't know.

I ask once again, that my colleagues help in trying to turn around this terrible situation by joining me as a cosponsor in this absolutely essential legislation.

#### NELSON CRUIKSHANK'S NEW MISSION IN AGING

Mr. CHURCH. Mr. President, President Carter has fulfilled the pledge he made during last year's campaign to name a knowledgeable and distinguished person to be his counselor on aging.

Nelson Cruikshank, who has served as president of the National Council of Senior Citizens since 1969, will soon fill that role. He will also become Chairman of the Federal Council on Aging.

These appointments bode very well indeed for the entire field of aging. Nelson Cruikshank has long concerned himself with matters directly related to the well-being of older Americans. In his major career assignment as director of the AFL-CIO department of social security, he paid special attention to the needs of older Americans, but he also saw the value of social security for persons of other age groups as well. And as president of the NCSC for 8 years, he has taken a very broad view of other pro-

grams and problems which affect older persons and younger members of their families.

I welcome President Carter's choice. And in the President's announcement is a brief and useful description of Mr. Cruikshank's many accomplishments. I ask unanimous consent to have that announcement printed in the RECORD.

There being no objection, the announcement was ordered to be printed in the RECORD, as follows:

#### THE WHITE HOUSE ANNOUNCEMENT

The President today announced that he will designate Nelson Cruikshank as chairman of the Federal Council on the Aging. Cruikshank's designation was announced by the Vice President in a speech to the Council's biennial legislative conference this afternoon. Cruikshank will also be appointed counselor to the President. He is presently a member of the Council and president of the National Council of Senior Citizens.

Cruikshank was born June 21, 1902, in Bradner, Ohio. He received an A.B. from Ohio Wesleyan University in 1925 and an M.Div. from Union Theological Seminary in 1929.

From 1930 to 1933 Cruikshank directed the relief program of the Brooklyn (New York) Federation of Churches. From 1933 to 1935 he directed the Workers Education Program of the New Haven, Connecticut Central Labor Union at Yale University, and organized for the AFL in Connecticut. He directed the WPA Workers Education Program at New York University in 1935-36.

Cruikshank worked in labor relations for the Farm Security Administration from 1937 to 1942, serving as director of the Migratory Labor Camp Program from 1940 to 1942. In 1943 and 1944 he was executive assistant to the labor members of the Management-Labor Advisory Committee of the War Manpower Commission, and deputy vice chairman of the Commission in charge of labor relations.

From 1944 to 1950 Cruikshank was director of Social Insurance Activities for the AFL. In 1951 and 1952 he was director of the Labor Division Economic Cooperation Administration in Paris, France. He served as director of the Department of Social Security at the AFL-CIO in Washington from 1953 until his retirement in 1965.

Since retirement, Cruikshank has served as a visiting professor at Michigan State University, the University of Michigan, and Pennsylvania State University. He has been president of the National Council of Senior Citizens since 1969.

Cruikshank was a member of the U.S. delegation to the First General Assembly of UNESCO in 1946, and served on the U.S. National Commission for UNESCO from 1946 to 1950. He was a member of the U.S. delegation to the First General Assembly of WHO in 1948. From 1962 to 1970 he was a member of the ILO's Committee of Experts on Social Security.

In 1976, Cruikshank was co-chairman of Senior Citizens for Carter with Miss Lillian Carter. He has been a member of the Federal Council on the Aging since 1974, and is chairman of its Committee on Economics of Aging.

#### OUR WORDS CAN PROMOTE HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, we often wonder whether the United States can do anything to protect the rights of peoples outside our borders. In Paraguay, the very country which I cited a few days ago as an example of the continuing threats to human rights that allegedly occurs in many areas of the world, American actions have produced positive results.