

RECOMMENDATIONS FOR INDIAN CHILDREN WHO HAVE SPECIAL NEEDS
AND ARE GENERALLY CARED FOR IN SPECIALIZED INSTITUTIONS

After study of the survey results and consultation with the NAIWA participants, the following recommendations are submitted pertaining to the consideration of Indian children who have special needs and are generally cared for in specialized institutions:

1. In order to alleviate the environment deprivation of the boarding school child, the home living staff should be increased.
2. There should be an increase in funds for outside activities and for individual allowances.
3. The possibility of placing the exceptional students in boarding homes in urban areas should be considered.
4. Group homes to be established on reservations to serve the teenager. These homes would have Indian staff and could serve emergency placements.
5. Specialized boarding schools be established in each area to serve the child who must attend boarding school because of social problems. Such a boarding school would have a small teacher-student ratio and a small number of children in each home living unit. It would provide psychological counseling and psychiatric consultation. It would be geared toward preparing the child to re-enter boarding school or return to his home environment.

RECOMMENDATIONS OF THE DIRECTOR AND ADMINISTRATOR OF
NAIWA PROJECT #0761

Recommendations for the betterment of Indian children, and their families, who have special needs are as follows:

One major problem of the Bureau of Indian Affairs Area Offices, the Indian Agencies or State Welfare Departments, as they relate to special needs of Indian children, is the lack of a long range goal or plan to assist the child and his or her family to work toward a more stable life.

- A. My recommendation is that a long range goal, or plan, be established to work toward a more stable emotional and social life for Indian children, and their families, who have special needs.

One observation, that was very evident, is a need for the BIA Area Office personnel of the Social Service Department and the Education Department to work closely with each other and the Agency for the betterment of the Indian child and his or her family.

- B. It is my recommendation that the BIA Area Office and the Agency of each Area Office Jurisdiction of the BIA work in concert for the betterment of the "total Indian child" or persons for whom they render service.

The Bureau of Indian Affairs provides foster home care for Indian children on reservations in eleven states, as follows:

1. Alaska
2. Arizona
3. Iowa
4. Minnesota
5. Mississippi
6. Montana
7. Nevada
8. New Mexico
9. North Carolina
10. North Dakota
11. Wyoming

In other states foster home care is provided by State Welfare Departments to Indian children needing such care.

- C. We recommend that all effort by the State Welfare Departments and the BIA be coordinated to work for the betterment of the Indian child with special needs. This should eliminate duplication of time, effort, money, and personnel.

A lack of cooperation and coordination between the BIA and State Welfare Organizations was recognized during the interviews with these operations.

D. In order to have a clear understanding as to what is being done to and for Indian children with special needs, it would be my recommendation that a duly constituted committee (to meet at least quarterly) be established by state to coordinate their efforts. This committee should be comprised of employees who deal with special needs of children from:

1. The Social Services and Education Depts. of the Area Offices of BIA.
2. BIA employees in the Education and Social Services at the Indian Agency level.
3. Concerned adult Indian persons from each Indian Agency within any given state.
4. The State Welfare Dept. of any given state.

The Bureau of Indian Affairs also has a General Assistance Program that comes under its Social Services Department.

E. It is my recommendation that this program should be further developed and sufficiently funded to aid Indians with special needs. Since the home should be strengthened, the General Assistance Program can give aid to the entire family and keep it intact, and thereby give aid to the child's emotional growth.

I further suggest that the BIA Social Service Department formulate and put into action a program to recruit Indian Foster parents.

RECOMMENDATIONS FOR BIA OPERATED SCHOOLS AND DORMITORIES

Since most Indian children attending BIA operated schools and dormitories have special needs, the recommendations for the boarding school system are as follows:

- A. That persons who are employed in the field of Social Services be employed in the school system, especially in the dormitories where a family setting should be emulated to the fullest degree possible, and the Social Service personnel be employed as a liaison person to work with the student, law, boarding school personnel and parents.
- B. That the staff in Education and Social Service be evaluated as to their concern and ability to work with Indian children who have special needs.
- C. That discipline be used in all phases of each BIA School System in order to create an atmosphere conducive to a healthy emotional and academic day to day living for Indian children attending these schools, and to provide an atmosphere that will enhance the

the employees ability to work with the Indian students who attend BIA operated schools.

- D. That members of the BIA School Boards of the various Area Offices throughout the United States be given the same authority that is granted to public school boards and that the BIA school boards become involved only in matters pertaining to the BIA School System.
- E. That an academic program, uniform in quality, be established in each BIA School and Dormitory system throughout the United States.
- F. That the curriculum now in use for BIA Schools be studied and evaluated and be brought up to date for use in today's school system. This recommendation will keep the Indian student current and lend to his or her emotional stability and security.
- G. That the food situation at the Indian Boarding Schools be studied and evaluated and that the student be given a diet that will sustain and aid the proper growth of an adolescent.
- H. That the parent or guardian be notified as soon as a student is reported missing from the school ground or dormitory.
- I. That the audio-visual aids program be expanded and that audio-visual aids program be placed in schools where the program does not exist.
- J. Establish a training program for Instructional Aides before allowing them to work with students.
- K. That workshops be established (on a yearly basis) to acquaint Social Service workers of the law and how to refer to proper qualified contacts in helping students who are in trouble with the law.
- L. Recommend a campus security force to maintain law and order on campus and around BIA operated schools and dormitories. This will free the instructional and night attendants to perform his or her job for which they have been hired.
- M. That the BIA, Indian Health Service--and Dept. of HEW should work in concert to establish and operate institutions for the care and treatment of alcoholics and drug addicts.
- N. That textbooks, to the extent needed, be provided in each BIA operated school system.
- O. That a course be given to teach student how to make use of the library (index system, etc).
- P. That a greater emphasis be placed on adult education and Indian people be advised of services and programs available to them.

INDIAN LADIES WHO WORKED ON NAIWA SURVEY

<u>REPRESENTATIVES</u>	<u>BIA AREA</u>	<u>INTERVIEWERS</u>
Iyonne Garreau	Aberdeen	Naomi Renville Hildreth Venegas
Agnes Dill	Albuquerque	Virginia Lewis Lillie Frost Howell
Lorenia Butler	Anadarko	Julia Mahseet Chris Echohawk
Madeline S. Colliflower	Billings	Janice Hawley Ursula Higgins
Mary Jane Fate	Juneau	Daphne Gustafson Gertrude Wolfe
Beatrice LaBine	Minneapolis	Bonnie Meshigaud Adeline Wanatee
Dorothy Snake	Muskogee	Ruby Haynie Annie Meigs
Louva Dahozy Florence Paisano	Navajo	Effie Curtis Mary Ina Ray Adele Lope Alice Becenti
Juana Lyon	Phoenix	Susanna Denet Lucille Throssell
Ernestine Jim	Portland	Verna Bunn Ardith Caldwell
Laura Blankenship	Southeast	Roberta Gibson Rebecca Grant

PARTICIPANTS

OF

REVIEW, EVALUATION AND RECOMMENDATIONS MEETING

OCTOBER 22-25, 1973

HELD AT. LINCOLN PLAZA INN, 4445 NORTH LINCOLN BLVD., OKLA. CITY

<u>Iyonne Garreau</u>	<u>Susanna Denet</u>
<u>Juanita Blankenship</u>	<u>Naomi Renville</u>
<u>Ursula H. Higgins</u>	<u>Dorothy Snake</u>
<u>Julia Mahseet</u>	<u>Adele Lope</u>
<u>Roberta S. Gibson</u>	<u>Deloris W. Karty</u>
<u>Madeline S. Colliflower</u>	<u>Friedrich S. Lehmann</u>
<u>Daphne Gustafson</u>	<u>Judy A. Baggett</u>
<u>Chris Echohawk</u>	<u>Meredith M. Ferguson</u>
<u>Ruby Haynie</u>	<u>Marie Cox</u>
<u>Beatrice LaBine</u>	
<u>Agnes M. Dill</u>	
<u>Louva Dahozy</u>	
<u>Ardith Caldwell</u>	
<u>Hildreth Venegas</u>	

PERSONS INTERVIEWED

The following persons were interviewed in connection with the NAIWA National survey on Special Needs of Indian Children program. This list is prepared by BIA Area jurisdiction. The type of questionnaire answered by each individual is reflected by the notation to the right of each person's name.

ABERDEEN AREA

<u>NAME</u>	<u>LOCATION</u>	<u>TITLE</u>
Charles Eagle	Peever, So. Dakota	Former Foster Care
Mrs. Betty Ward	Peever, So. Dakota	Foster Parent
Mrs. Nancy Kitto	Peever, So. Dakota	Former Indian Boarding School Student
Duane Bruce Renville	Sisseton, So. Dakota	Former Indian Boarding School Student
Elissa Crawford	Wahpeton Ind. School Wahpeton, So. Dakota	Boarding School Student
Cecil Renville, Jr.	Sisseton, So. Dakota	Student
Crystal White	Wahpeton, So. Dakota	Agency Social Wrkr.
Roy Griffith	Aberdeen, So. Dakota	Area Social Worker
Roger O Lonnevik	Aberdeen, So. Dakota	Educ. Program Administrator
James R. Vance	Pierre, So. Dakota	Area Educ. Spec.
Dave Kroll	Aberdeen, So. Dakota	Program Specialist
Gary L. Bowar	Aberdeen, So. Dakota	State Public Welfare Social Worker
Robert E. Leach	Pierre, So. Dakota	Community Services Administrator
Jess Town	Aberdeen, So. Dakota	

ALBUQUERQUE AREA

Mrs. Ellen Richardson	Santa Fe, New Mexico	Protective Service Specialist
Mr. Zene Hemphill	Albuquerque, New Mexico	Area Social Wrkr
Mr. Earl Webb	Albuquerque, New Mexico	Area Educ. Spec.
Mr. Keith O. Lamb	Albuquerque Indian Sch.	Administrator
Mr. Robert E. Lewis	Zuni Pueblo	Governor
Instructional Aide	Ramah Dorm	
Mr. Stuart Lewis	Santa Fe, New Mexico	Student
Mary C. Bryan	Southern Pueblos Agency	Agency Social Worker
Barbara Ann Shorty	Ignacio Dorm	Student
Amalda Peno	Ignacio Boarding School	Instructional Aide
Jeanette Daker	Ignacio	Instructional Aide

ALBUQUERQUE - Continued:

<u>NAME</u>	<u>LOCATION</u>	<u>TITLE</u>
Mauka Eovensen	Ignacio, Colorado	Tribal Council Parent
Hedra Washington	Ignacio, Colorado	
Essie Kent and Bonnie Kent	Ignacio, Colorado	Foster Parents
Raymond Frost, Sr.	Ignacio, Colorado	Parent of Foster Child
Clara Washington	Ignacio, Colorado	Received Foster Care
Cynthia H. Moore	Los Lunas Hospital & Training School	
<u>ANADARKO AREA</u>		
Mr. John McCann	Anadarko Area	Asst. Area Social Worker
Mr. Dan Sahmaunt	Anadarko Area	Area Education Specialist
Mrs. Kate Gault	Oklahoma City	State Welfare Department
Mr. George Reifel, Jr.	Horton, Kansas	Acting Agency Educ. Specialist
Mr. Vernon Blome	Anadarko Agency	Social Worker
Mr. John Thompson	Anadarko Agency	Adult Education
Mr. David Paddlety	Anadarko Agency	Employ. Assistance
Mrs. Catherine Lamar	Anadarko Area	Area Social Wrkr
Mr. Sid Carney	Anadarko Area	Area Director
Mr. Charles Delaney	Anadarko Area	Acting Deputy Area Director
Mr. Wm. Grissom	Anadarko Agency	Superintendent
Mr. Wm. B. Scott	Horton, Kansas	Social Worker
Mr. Bill Preston	Topeka, Kansas	State Child Welfare Worker
Wanda Kostzuta	Apache, Oklahoma	Parent, Boarding School
Ethelene Thompson	Fort Sill School	Instruc. Aide
Jackie S. Kostzuta	Apache, Oklahoma	Former Student
Mrs. Myrtle Cook	Cyril, Oklahoma	Foster Parent
Keith Haumpo	Anadarko, Oklahoma	Former Foster Child
Donna Two Hatchet	Anadarko, Oklahoma	Parent of Former Foster Care Child
Lee Motah	Anadarko, Oklahoma	Comanche Tribal Chairman
Walter Lorentz	Fort Sill School	Student
Bates Shaw	Fairfax, Oklahoma	Foster Parent
Thomas Chapman	Pawnee, Oklahoma	Councilman
Don Eaglenest	Concho, Oklahoma	Instructional Aide
Jim Todome	Concho, Oklahoma	Student

ANADARKO - Continued:

<u>NAME</u>	<u>LOCATION</u>	<u>TITLE</u>
Mr. Jack Williams Mr. Bob Randolph	Fort Sill Ind. School Fort Sill Ind. School	Superintendent Principal
Jesse Howell Jr.	Pawnee, Oklahoma	Parent Boarding School Child
Neva Moore	Pawnee, Oklahoma	Parent Foster Child
Mary Ella Brown	Pawnee, Oklahoma	Former Foster Child
Bill Farris	Pawnee, Oklahoma	Former Boarding School Student
Guy R. Fox, Jr.	Pawnee, Oklahoma	Agency Soc. Wrkr.
Owen Chuculate Sam Morris, Jr.	Concho, Oklahoma Lawrence, Kansas	Agency Soc. Wrkr. Student, Haskell Ind. Jr. College
Helen Beard	Lawrence, Kansas	Student, Haskell Ind. Jr. College
Cordell Balatche	Lawrence, Kansas	Student, Haskell Ind. Jr. College
Mr. Wallace Galluzzi	Haskell Indian Junior College	Superintendent
Mr. Bill Burgess	Haskell Indian Junior College	Dean of Instruction
Mr. Frank Quiring	Haskell Indian Junior College	Dean of Students
Mrs. Ethan Deere	Haskell Indian Junior College	College Residence Specialist
Mrs. Bette Notah	Haskell Indian Junior College	Supervisory College Residence Specialist
<u>BILLINGS AREA</u>		
James Baher Clarence Hirst	Browning, Montana Heart Butte, Montana	Tribal Council Parent, Boarding School Student
Gerri Reevis Carmelita Hoyt Patricia Tohes Gun Debbie Upham	Browning, Montana Blackfeet Bdg. School Starr School Bushy, Montana	Former Foster Child Instructional Aide Foster Parent Student

BILLINGS - CONTINUED:

<u>NAME</u>	<u>LOCATION</u>	<u>TITLE</u>
Caroline Brown Feral B. Wagner John Burkhart Mr. Carl Vance Mr. V. Belgarde Mr. Joseph Roe	Harlem, Montana Browning, Montana Billings, Montana Billings, Montana Billings, Montana Billings, Montana	Former Student Former Student Area Social Wrkr. Area Educ. Spec. Area Educ. Spec. Montana State Foster Care Program
Morris Thomte Mr. Arthur J. Hall	Billings, Montana Inter-Mountain Deaconess Home for Chn.	Asst. Area Soc. Wrkr. Asst. Administrator
Danny Long Tree Delores Luna	Log Pole, Montana Hays, Montana	Former Foster Child Parent of Foster Child
Erma Bear Ruth Reevis	Harlem, Montana Browning, Montana	Foster Parent Parent of Foster Child
Ruby Jones Amy Messerly	Browning Bdg. School Dodson, Montana	Instructional Aide Former Boarding School Student
Kathy Rae Tincher	Flandreau	Student

JUNEAU AREA

Mr. Emil Kowalczyk Perry Smith Myra Mouson Mr. James Griffin	Juneau, Alaska Juneau, Alaska Fairbanks, Alaska Mt. Edgecombe, Alaska	Asst. Area Director Area Social Wrkr. Administrator Student Personnel Service
Allen O. Crain Bernice C. Peery Christine H. Jack De Wiley Holeman Lily Walker Cindy Sookiyak Ramon & Iva Gandia Jerome Trigg Dan Johnson Susan Murphy Richard Gilbert Gaye Billington	Mt. Edgecombe, Alaska Mt. Edgecombe, Alaska Hoonah Nome Public School Nome Betz High School Nome, Alaska Nome, Alaska Eskimo Bethel Bdg. Home Middle & Primary School Alaska Children Service Div. of Regional Schools & Boarding Home Program	Superintendent Former Student Former Student Administrator Instructional Aide Former Foster Child Foster Parents Councilman Dorm. Director Chr. School Board Executive Director
Richard Schneider James Fox Art Holmberg	Bethel Agency Nome, Alaska Div. of Family and Children Services Juneau, Alaska Mt. Edgecombe, Bethel Bethel Reg. Dorm Bethel, Alaska Bethel, Alaska	Administrator Social Worker Suprv. Social Wrkr. State Administrator- Juneau, Alaska State Admin. Former Student Student Former Student Former Student

JUNEAU - CONTINUED:

<u>NAME</u>	<u>LOCATION</u>	<u>TITLE</u>
Lela Gray	Nome Beltz	Dorm Aide
Jonah Tokemua	Wales	Parent of Boarding School Student
Delbert Eningowuk	Sheshmasef	Parent of Boarding School Student
Vesta Dominicks	Sitka	Former Boarding School Student
Bill Benton	Bethel	
Francis Milner	Juneau	Dir. Family & Childrens Service
Kay Hansan	Nome	Former House Parent
Mr. McFarland	Wrangell Inst.	Indian Board. Sch.
Gerald Dusterhout	BIA Social Services	Area Social Worker
Margaret Theresa Osborne	Juneau	Foster Parent
Jean McCan	Fairbanks	Social Worker
Lillian Walker	Wrangell	Superintendent
Fern Chamberlin	Wrangell	Instructional Aide
Harvey Dunaulte	Wrangell	Board. Schl Student
Christine H. Jack		Former B.S. Student
Area Educ. Specialist	Wrangell	

MINNEAPOLIS AREA

Ms. Bernice D. Sanache	Tama, Iowa	Foster Parent
Charles Pushetoneque	Tama, Iowa	Tribal Council
Iola Snow	Tama, Iowa	Parent of a Foster Child
Mrs. Lois Davenport	Tama, Iowa	Former Boarding School Student
Darrell Wannatee	Tama, Iowa	Former Foster Child Student
Kay Doris Davenport	Riverside	
Dwain Lindberg	Minneapolis	Dir. of Service Administration
Mr. Harold Smith	Minneapolis	Area Social Wrkr.
Mr. Dick Wolfe	Minneapolis	Asst. Area Educ. Spec.

MUSKOGEE AREA

James Mearec & Kathleen Kobel	Muskogee, Oklahoma	Area Social Wrkrs.
Robert Berryhill	Muskogee, Oklahoma	Area Educ. Spec.
Ed Moore	Sequoyah	Superintendent
Mr. Norris Thompson	Sequoyah	Education Spec.
Mr. & Mrs. H. Flemming	Muskogee, Oklahoma	Parents of Boarding School Students
Norma Whittington	Muskogee, Oklahoma	Former Foster Child
Mrs. M. J. Ryher	Ft. Gibson	Foster Parent

MUSKOGEE AREA - CONTINUED:

<u>NAME</u>	<u>LOCATION</u>	<u>TITLE</u>
Letha Foster	Sequoyah	Instructional Aide
W.W. Keeler	Muskogee	Cherokee Tribal Council
Durbin Feeling	Locust Grove	Former Boarding School Student
Joey Bass	Sequoyah	Student
Ed Hugh Johnson	Tulsa, Oklahoma	Tribal Council
Mrs. Homer Wheeler	McAlester, Oklahoma	Foster Parent
Eunice Tarin	Stillwell, Oklahoma	Former Foster Parent
DeAnn Hand	Tulsa, Oklahoma	Former Foster Child
Mary J. Tiger	Muskogee, Oklahoma	Instructional Aide
Cecelia Chalokee	Tulsa, Oklahoma	Parent of Boarding School Student
Dawn Freeman and Andra Freeman	Eufaula, Oklahoma	Boarding School Student
Leda V. Bruner	Broken Arrow, Oklahoma	Former Boarding School Student
Donald Moon	Talihina, Oklahoma	Agency Supt.
Everett Cox	Talihina, Oklahoma	Suprvy. Soc. Wrkr.
Bill Timmons	Talihina, Oklahoma	Social Worker
Carl Hunkapillar	Talihina, Oklahoma	Empl. Asst. Officer
Dan McDole	Ardmore, Oklahoma	Superintendent
Bob Guthary	Ardmore, Oklahoma	Suprvy. Soc. Wrkr.
Lee Cowherd	Ardmore, Oklahoma	Social Worker
Jim Michellini	Ardmore, Oklahoma	Empl. Asst. Officer
Ron Koffman	Baptist Chn's Home	Administrator
Phyllis Lynam	Baptist Chn's Home	Administrator
Herschel Sparks	Carter Seminary	School Soc. Wrkr.

<u>NAVAJO AREA</u>		
Mr. Byron Houseknecht	Window Rock, Ariz.	Area Social Wrker
Mrs. Louise Bonnell	Window Rock, Ariz.	Area Educ. Specialist
Joan M. Cautin	Chinle, Ariz.	Foster Parent
Guy Gorman	Chinle, Ariz.	Councilman
Alex Kee Carty	Chinle, Ariz.	Parent of Std.
Lillie Mae Woody	Chinle, Ariz.	Former Student
Jim & Polly Nez	Chinle, Ariz.	Parents of Foster Child
Richard and Barbara Wolneyneck	Farmington, N.M.	Foster Parents
Williamina	Farmington, N.M.	Former Foster Child
Darlene Benally	Farmington, N.M.	Parent of Student
Mrs. Ellal. Ross	Shiprock Bdg. School	Instructional Aide
Kathleen Johnson	Intermountain School	Student
Rosie Wilkerson	Shiprock Bdg. School	Former Student
Ames Ray Ben	Church Rock	Former Student
Sarah Kinzel	Chinle, Ariz.	Parent of Foster Child
L. D. Atchison	Manuelita Navajo Children's Home	Superintendent

NAVAJO AREA - continued:

<u>NAME</u>	<u>LOCATION</u>	<u>TITLE</u>
Hogan Hozani		Foster Care
Personnel	Ft. Defiance	Tohatchi Boarding School
Personnel	Ft. Defiance Agency	
Personnel	Toyci Boarding School Ft. Defiance, Ariz.	
Berneice Ranger Radio	Navajo Agency	
Francis Redhouse		Child Welfare
Donna M. Williams	Chinle, Ariz.	Former Foster Child
Roger Begay	Many Farms Hi School Utah	Student
Ada Johnson	Crownpoint	Foster Parent
Annie Mae Benally	Church Rock, N.M.	Former Foster Child
Mr. & Mrs. Mike Benally	Church Rock, N.M.	Parent of Foster Child
Arlene Toleno	Crownpoint	Instructional Aide
Darlene Etsitty	Eastern Navajo Agency	Student
Mr. & Mrs. Tommy Etcitty	Hardground, N.M.	
Tony A. Becenti	Crownpoint, N.M.	Councilman
<u>PHOENIX AREA</u>		
David Burch for Ray Sorenson	Phoenix	Area Educ. Specialist
Mrs. Gloria Hauley	Carson, Nevada	State Nevada Welfare
Mr. Joe Braswell	Carson, Nevada	Area Social Worker
Antone M. Chico, Jr.	Sells, Arizona	Foster Parent
Darlene Enos	Sells, Arizona	Foster Child (Former)
Nyla Antone	Santa Rosa Bldg. School	Instructional Aide
Karen Miguel	Sells, Arizona	Former Student

PHOENIX - Continued:

<u>NAME</u>	<u>LOCATION</u>	<u>TITLE</u>
Mr. Robert Kreidler (Rep. Wm. Newton)	Phoenix, Ariz.	Area Social Worker
Vincent Little	Phoenix Ind. School	Superintendent
Mrs. Dorothy Filson	Phoenix, Ariz.	State Welfare Wrkr.
Mardeal Silva	Polacci	Parent of Foster Child
Mr. & Mrs. Fred Adams	Polacci	Foster Parent
Carol Yestewa	Oraibi	Former Foster Child
Logan Kooper	Hopi	Councilman
Grisilda Saufkie	2nd Mesa	Parents of student
Pansy Kewanwytewa	Keams Canyon	Student
Georgianna J. Holmes	Polacci	Former Student
Claudio Villalabos	BIA	Phoenix Area
<u>PORTLAND AREA</u>		
Mrs. Dennis Hicks Arthur Hoybill	Blackfoot, Idaho Fort Hall	Foster Parent Tribal Council - Shoshone Bannock Former Foster Child
Eilleen Hootchew	Blackfeet	Parent of Foster Child
Robert Burns	Fort Hall	Parent of Boarding School Student
Evelyn Dixey Surdom	Blackfeet	Instructional Aide Former Boarding School Student
Magdalena Williams Emily Pyeatt	Stewart Bdg. School Salmon - Sherman	Former Boarding School Student
Belma Redwoman	Chilocco	Student
Mrs. Mirian Strong	Neah Bay, Wash.	Foster Parent
Robert Parker	Neah Bay, Wash.	Former Foster Child
Mrs. Laura Coleman	Neah Bay, Wash.	Foster Parent
Lloyd Colfax	Neah Bay, Wash.	Makah Tribal Council
Verna R. Bunn	Neah Bay, Wash.	Parent of Boarding School Student
Linda Trettevick	Neah Bay, Wash.	Former Boarding School Student
Gerald Cargo	Chemawa Ind. School	Student

PORTLAND - Continued

<u>NAME</u>	<u>LOCATION</u>	<u>TITLE</u>
Don Casper	Portland	Area Social Worker
Dr. Roy J. Stern	Portland	Area Education Specialist
Mr. Balsiger	Portland	Area Community Serv. Admin. Specialist
Roy Stern	Portland	Area Educ. Specialist
Laverna Smith	Chemawa Ind. School	Ind. School Instruc. Aide
Jack Witherspoon	Chemawa Ind. School	Superintendent
 <u>SOUTHEAST</u>		
Mrs. Clare Jerdone	Washington, D. C.	Area Social Worker
Elwanda Brinkley	Washington, D. C.	Area Education Specialist
Max Cole	Mississippi	State Welfare Social Worker
Mr. Wayne Adkison	Philadelphia, Miss.	Educ. Program Adm.
Harold Keyes	Philadelphia, Miss.	Agency Social Wrkr.
John Pettit	Philadelphia, Miss.	Educ. Specialist
Bob & Stella Kanott	Cherokee	Agency Foster Parents
Mr. Ray Cleveland	Cherokee	Superintendent
George H. Pierce	Cherokee	Education Specialist
Miss Glasby	Raleigh, N.C.	State Welfare
Mrs. Evenelle Thompson	Cherokee	Agency Social Wrkr.
Rose Aileen Catalster	Cherokee	Former Student
Mr. Lewis Raines	Cherokee	Former Foster Child
Mr. and Mrs. Menock Catalster	Cherokee	Parents of Child in Foster Home
Mrs. Bertha Saunooke	Cherokee	Councilman
Jimmy Gibson	Choctaw Central	Principal
James Ray Jim	Choctaw Central	Student
Glenn York	Choctaw Central	Instructional Aide
Albert Farue	Philadelphia	Tribal Council
Mrs. Viola Johnson	Philadelphia	Foster Parent
Mrs. Aileen Willis	Philadelphia	Parent of Foster Child
Mary Jane Steve	Philadelphia	Former Foster Child
Jerry Thompson	Philadelphia	Former Boarding School Student
Lillie Gibson	Conchatta, Miss.	Parent of Boarding School Child
Mr. Enoche	Choctaw Central	Teacher, Suprv.

Senator BARTLETT. Next, we have Mr. William Blackwell and Mr. Thomas Peacock.

Would you introduce yourselves and proceed as you desire?

**STATEMENT OF WILLIAM BLACKWELL AND THOMAS PEACOCK,
DULUTH, MINN.**

Mr. BLACKWELL. My name is Billy Blackwell. I'm 23 years old, from the Grand Marais, Minn., and a member of the Grand Portage Ojibwa Band, and also with me is Mr. Thomas Peacock, who is a fellow Ojibwa and who is the president of the Fond du Lac Indian Reservation.

For hundreds of years the Ojibwas journeyed to Washington. The rivers, hills, and halls of our Nation's Capitol have heard the sound of many American tribes. In keeping with that tradition, I would like to state briefly, in my language, the reason why I'm here.

The only reason that I would like to do that today, when I told some of our old people that I was coming here, this is one of the things that they asked me to do, in our language, that we tell our problem first that we're here for.

I'd like to start by saying that a long time ago there was a person who became president of one of the eastern colleges, either Yale or Harvard, and he told an Indian chief, give me 10 of your men and I will make them lawyers, scholars, and scientists.

And the Indian chief looked at him and said, give me 10 of your lawyers, scholars, and scientists and I'll make men out of them.

I can't help but think how things have gotten away from that.

We are from a program called the Indian youth program with headquarters in the city of Duluth, Minn., which serves that city and the four surrounding reservations.

The program is funded by the Office of Health, Education, and Welfare with a grant to the Duluth Indian Action Council, and this summer will begin its third year of operation.

The program is designed to alleviate the atrociously disproportionate number of Native American youth in juvenile institutions. The Indian youth program has made it a priority to exhaust all means to stop the mass theft of Indian children, from their tribe and homes.

Within the State of Minnesota, over \$1,040,000 BIA funds alone per year is funneled into the State to pay for this child robbery. Thirty-four percent of all Indian children are currently in foster home placements. Indian foster placements to white homes is big business in Minnesota. Countless young Indian children are placed in white families where many sweat and toil for 50 cents a week allowance. Discriminatory child placement practices must be stopped. One out of every three Indian children under 1 year old is adopted. We, the Ojibwa people, are a proud people; we will not permit our children being stolen from us and placed in white homes where our tribal culture and values are completely disregarded.

The following testimony and recommendations, we hope, will not—fall on closed minds, but will sincerely be listened to.

In Minnesota there is a large number of moneys that is being used for Indian foster placement in white homes. Our program seriously questions the source of this money. We would like to ask for its investi-

gation and audit of that, over \$1 million. We're not so sure that that comes from the Bureau of Indian Affairs Social Services allotment. We ask that an audit be taken of this. There are people that have checked into this and have claimed that this money was the result of the Pipestone Boarding School being closed, that it is Johnson O'Malley moneys, which is being used then for board and room, is an illegal act, and we would like to ask this Senate subcommittee for an investigation and audit be taken to the source of this money, and that's the contract that Mr. Chosa from the Wisconsin group referred to earlier, from the Bureau of Indian Affairs was \$260,000 is paid quarterly for placements.

Now, this money does not account for some of the HEW moneys and some of the reimbursements for the institutions. So, in Minnesota, well over a million dollars per year is spent for the theft of our Indian children.

Our Indian youth program has workers on four reservations in northern Minnesota, the Grand Portage, Nett Lake, Mille Lacs, Fond Du Lac Reservations, also the city of Duluth.

We have 12 employees in our program. We run our own school. Bisedon, which in our language means listener.

I have with me today a short interview with the licensed Indian family. A few years ago, as many as 8 or 10 years ago, this was the only licensed Indian family. Due to the communication of the Duluth Indian Action Council and the Indian youth program, we now have 18 licensed homes with very little help from the welfare, very little if in fact none, from agencies.

This is a very short interview with a Indian couple who have a licensed Indian home, and I'm not going to go through it and read it. It's available for those, in our testimony.

In the interview, they go through and talk about the practices they've had. They've had 15 Indian foster children, as Indian parents they understood them. They practiced their culture and the values of the home. They encouraged contact with families of the children. They had a good communication with the children and the children did not have any bad feelings out of it. They were not mad at the world. They did not get into trouble. These people had many problems with welfare. Indian people's standards and way of life do meet the standards of welfare departments.

The welfare department, of course, and courts and private welfare agencies are all complicated structures which the Indian would rather not come in contact with.

Many Indian people rather take care of their own. These are some of the things that these people are saying, that they have been able to, first-hand experience.

In the State of Minnesota a foster care program is designed to insure the best possible home situation for children, but the program lacks many elements. First, is the ability of the local welfare agencies to effectively deal with minority children. The lack of communication between social workers working with the Indian natural parents and the Indian foster parents. The inability of the welfare system to understand and effectively work with the local Indian community has been well documented.

In the area of foster care, 31.3 percent of the Indian children under 20 are in some type of foster care situation. Second is the lack of Indian foster homes for Indian children.

In counties surveyed by the department of health and social services with large Indian populations, there is serious lack of licensed Indian foster homes. The reasons for this are numerous, but two things stand out. The first is the amount of substitute care that exists within the Indian community. This is a natural outgrowth of the culture of the American Indian. Indian tribes have always looked after the children of the tribe. There was never any need to use outside resources for tribal members.

The other important reason is the license requirement. Most families do not understand the necessity for a license; their membership in their tribes is sufficient for them to provide an adequate home for other younger tribe members.

Third is the bureaucracy that surrounds the entire foster care program. The welfare department, the courts, and private welfare agencies, are all complicated structures with which the Indian would rather not come to grips.

The bureaucracy of the department of welfare in Minnesota has been atrocious, resulting in the statistics we mentioned earlier. One out of every three Indian children being adopted, 34 percent, more than one-third of all Indian children in Minnesota in foster homes, and over \$1 million per year being paid for this.

One of our workers in Duluth, Mr. Ed Howes jotted some things down that I would like to give you now, something that I, myself, had to go back and check three times because I could not believe it.

Of all the Indian youth that he had been in contact with in the criminal justice system, 80.5 percent of these kids have been or are involved with foster homes or group homes.

So that means that out of 100-percent figure, 80 percent of those that we've come in contact with in the juvenile court system, have been or are presently in foster homes or group homes.

Of these youths, the large majority of them have been forced or very subtly pushed into forgetting their people and their culture. The cultural shock of being removed from their families has a devastating effect on these young Indian people. The forcing of alien values, belief, and culture has produced another group of very confused and unfortunately, partially assimilated or totally assimilated young Indians.

The practice of removing young Indians from their families has become a big business for white families and a copout for the welfare system. The saving of Indian youth from their own people has become the answer to the so-called Indian problem. Welfare sits by and gives white foster parents the job of raising Indian children as good Christian Americans with a sense of value and worth, instead of allowing that child to remain in his home and retain a culture of beauty, rationale and spiritualness.

The cycle never ends for Indian youth because the child cannot relate to his white foster parents and their values. He or she builds up a resentment that can take many manifestations. Unfortunately, most Indian youth take the route of breaking the law and thus becoming involved with the juvenile justice system. This involvement only gives the courts and welfare the excuse to continue foster care. The

sale of Indian flesh by welfare to white foster parents is a poor excuse for a solution to the Indian problem.

The Indian parents have never been consulted about their children and whether they can or should be removed from the home. Home may only be a two- or three-room house, but it's a place of love.

This testimony was taken from our worker in Duluth, Ed Howes and once again, I feel the major part of that, an almost unbelievable 80.5 percent of the children he has encountered in courts have been, or are presently in foster homes.

I have one last small testimony. Mr. Peacock, who is director of the Indian youth program, will give some other things and then our recommendations.

This is from the testimony by Vincent Martineau, 23 years old, of the Fond Du Lac Indian Reservation.

Mr. Martineau spent a great portion of his childhood off the reservation and placed in white foster homes.

I asked him the following questions:

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

Answer. September 1963, 13 years old.

Question. Why were you taken?

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

Question. Were you taken off the reservation?

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

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

Answer. Yes.

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

Answer. Fourteen families.

Question. How many brothers and sisters do you have?

Answer. Seven.

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

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

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

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

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

Answer. Yes. Definitely.

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

Answer. Yes. To a large extent.

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

Answer. Yes.

Question. Why?

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

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

Answer. Yes.

Question. How many?

Answer. Over 80 percent of the children of the village I grew up in, Sawyer, on the Fond Du Lac Reservation. The population is 280. Since then I have met many who were also in foster homes.

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

Answer. It certainly is.

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

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

Mr. BLACKWELL. Mr. Martineau was placed, as are many Indian children in that area, in a farm area where he worked for 25 cents and 50 cents a week through his teenage years, as many of the teenage children.

The amount of work that they have done in dollars, I would imagine, would probably parallel the moneys that are being paid to the people that employ them.

This was the testimony of Mr. Martineau, an Indian foster child.

Next, Mr. Peacock, director of the Indian youth program, would like to make a few comments before we give the recommendations.

STATEMENT OF THOMAS PEACOCK, DIRECTOR, INDIAN YOUTH PROGRAM, DULUTH, MINN.

Mr. PEACOCK. I'd like to say that before we came here, we had an open hearing in Duluth, to which we invited all members of the Indian community to be present to give their ideas so we could take all the ideas and make recommendations. So we're not speaking from our own minds. We conglomerated our ideas, our thoughts, and recommendations.

I, myself, am a half-breed Iroquois. I'm a licensed Indian foster parent and have adopted an Indian child. I've been through the whole system, I guess.

Two of my sisters and one of my brothers have been in foster care and been in institutions as well, and that is from the Fond Du Lac Indian Reservation.

I'd like to tell one case in point. When I was a younger child, I lived in Carlton County, which has recently undergone quite a change because they refuted the State human rights to violate the certain rights pertaining to Indians, and the welfare director was fired and a great deal of the caseworkers were dismissed, and now they're undergoing a very drastic course in human relations, which they attempt to adapt to.

A few years ago when a caseworker would come out to the reservation, and it's very obvious because they all had new cars, the caseworker would pull up in front of the yard, and I was at one house when the caseworker came in and the mother said, here comes our caseworker. And the children immediately ran into the rooms and hid underneath their beds for fear that they would be taken away.

My reservation is presently, in the Federal district court in Minneapolis, involved in a case of consolidation hearings with the Taconite and the city of Cloquet.

They are also involved with procedures of retrocession. This is because we like to make decisions concerning the Indian people concerned; that is, make decisions concerning Indian people by ourselves.

The recommendations that we brought with us, I will read them off. Specific recommendations:

1. That an Indian child care agency, possibly the Minnesota Chippewa Tribe, Sioux communities, and urban populations, be established and contract directly with the Federal Government for all HEW and BIA funds for child caring services; that is, set up their own field offices and caseworkers.

2. To begin the return of Indian children to their natural homes or Indian foster or group homes, and a drastic lowering of the adoption rate of Indian children by non-Indian families.

Furthermore, that this Indian child care agency be given thorough supervision of all Indian children in foster and group care.

3. That Indian parents facing termination of parental rights, hearings be given thorough knowledge of their right to a court-appointed attorney.

4. That Congress authorize and make funds available for the position of the Division of Child Welfare and Family Protection Services within the Department of Health, Education and Welfare.

5. That new laws be enacted regarding the makeup, operation, and philosophy of all juvenile treatment facilities and institutions to better insure treatment and not punishment.

6. Recommendation on Public Law 280, 67 stat. 588, as enacted by the 83d Congress, 1st Session, August 15, 1953.

From that, I will go back to something that was called the Northwest Ordinance, which was in the language of, and the Ordinance referred to the final changes of the first Congress of the Constitution in 1789, what they called the utmost, good faith shall always be observed toward the Indians. Their lands shall never be taken from them without their consent; and in their property, rights and liberty, they shall never be invaded or disturbed, unless in justified and lawful wars authorized by Congress; but laws founded in justice and humanity shall from time to time be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.

The language of this ordinance was reaffirmed with minor changes by the first Congress under the Constitution in 1789.

In 1953, Congress approved House Concurrent Resolution 108 which, contrary to the "utmost good faith" which is always to be observed toward Indians and contrary to the principles of the Indian Reorganization Act of 1934, purported to end Federal responsibility for Indian affairs. Thus, House Concurrent Resolution 108 was the first formal enunciation of the termination policy of the 1950's. Public Law 280, enacted 14 days after House Concurrent Resolution 108, was part of this termination policy.

Senator ABOUREZK. I wonder, Mr. Peacock if I might interrupt you for a minute. Since this is not a hearing on Public Law 280, I wonder if it would be more fair to the remaining witnesses, if we didn't cover that particular ground at this time.

I understand that it has to be done and I agree with you.

Mr. PEACOCK. The only recommendation I'm going to make, I guess, regarding Public Law 280, is that the administrations of Kennedy, Johnson, and Nixon have stressed the policy of self-determination.

The recommendation that we give here is that Public Law 280 be abolished.

Senator ABOUREZK. Right. I tend to agree with that, but it would seem that we're going outside the scope of the child welfare area there. We're eating into the time of the other witnesses that want to talk about that particular subject.

When we do have hearings on Public Law 280, we'd like to go into your opinions on that at that time.

Mr. PEACOCK. I guess Public Law 280 involves everything.

Senator ABOUREZK. I understand that's true.

Mr. PEACOCK. That's the reason we brought along this because it does involve the children.

Senator ABOUREZK. We're very grateful for such statistics and the information and recommendations you have both provided. Once again, I want to announce that I have instructed the committee staff to set up a meeting to be held just as soon as possible, today or tomorrow, whenever we can get it done, between myself, BIA, and the Department of Health, Education, and Welfare to try and put a stop to these crisis as quickly as possible.

Mr. BLACKWELL. Just one of the things that I mentioned earlier, I just want to mention again.

We asked for an investigation for an audit of the over \$1 million per year BIA moneys to Minnesota, as to the source of that.

Senator ABOUREZK. Yes, I saw that in your statement and we'll surely ask about that, too.

I don't know if we will have an audit, but we'll begin by asking where it comes from.

Mr. BLACKWELL. If it's not coming from BIA social services, if it is, in fact, coming from years ago from the closing of the Pipestone School, moneys for board and room, it's illegal.

Senator ABOUREZK. Let me express my gratitude to both of you for your information that you have provided.

Thank you very much.

[The information referred to above follows:]

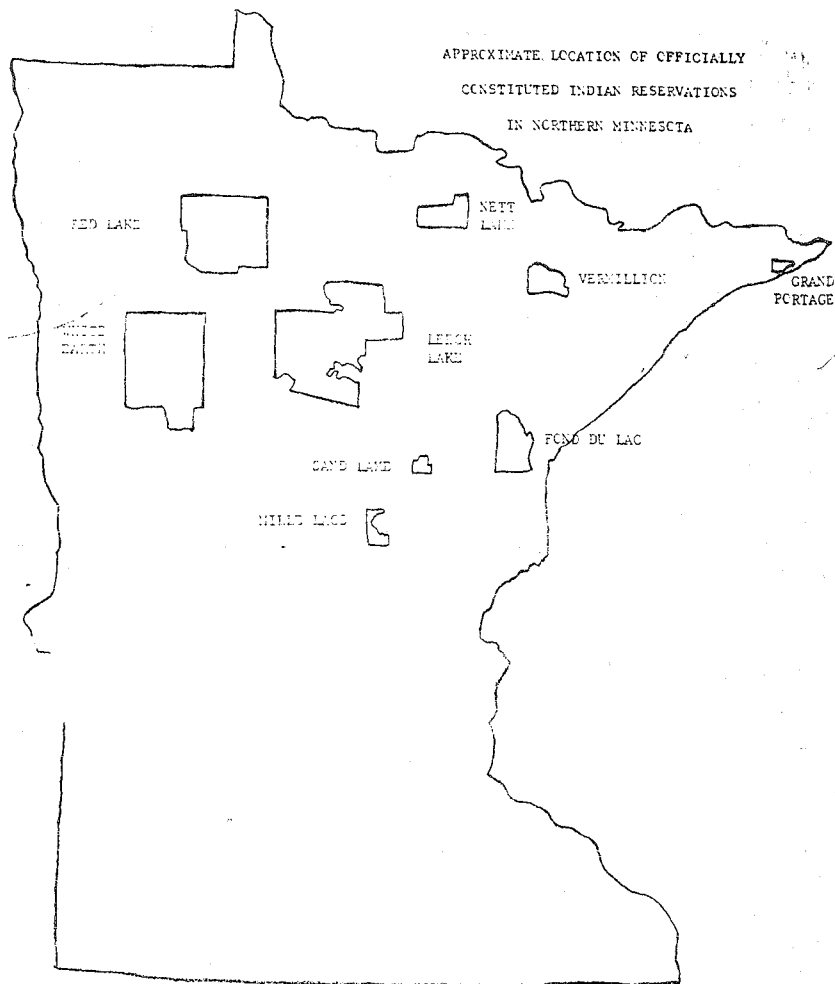
INDIAN CHILD WELFARE CRISIS

The Indian Youth Program, headquartered in Duluth, Minnesota, serves four reservations in Northern Minnesota, and the City of Duluth. The program is funded by the Office of Health, Education and Welfare, with a grant to the Duluth Indian Action Council and this summer will begin its third year of operation.

The program is designed to alleviate the atrociously disproportionate number of Native American youth in juvenile institutions in the target areas. The Indian Youth Program has made it a priority to exhaust all means to stop the mass theft of Indian children, (Anishinabe-Oski-neeg) from their tribe and homes.

Within the State of Minnesota, over \$1,040,000 BIA funds alone per year is funneled into the State to pay for this child robbery. Thirty four (34%) of all Indian children are currently in foster home placements. Indian foster placements to white homes is big business in Minnesota. Countless young Indian children are placed in white families where many sweat and toil for fifty cents a week allowance. Discriminatory child placement practices must be stopped. One out of every three Indian children under one year old, are adopted. We, the Ojibwe people, are a proud people, we will not permit our children being stolen from us and placed in white homes where our tribal culture and values are completely disregarded.

The following testimony and recommendations, we hope, will not fall on closed minds, but will sincerely be listened to.



This is an interview with a licensed Indian family. This was the only licensed Indian family until a few years ago.

Due to the communication of Duluth Indian Action Council and the Indian Youth Program with the agency and the Indian community we now have eighteen licensed homes.

Question. How many years have you been in Foster Care?

Answer. We've been in Foster Care eight years.

Question. How many children have you had.

Answer. We've had 15 foster children.

Question. What was the difference between your home and a non-Indian home to these children?

Answer. As Indian parents, we could understand Indian children and their ways better than non-Indians.

Question. What type of Indian values did your home give them that they did not receive in a non-Indian home?

Answer. We practiced our Indian culture and values and made them aware of their culture and identity.

Question. Do you feel the children had lost contact with their families before coming to you?

Answer. Yes. At least half of them.

Question. How did your home differ in this situation?

Answer. As Indian parents, we encouraged them to keep in contact with family and community and also encouraged the children's family to visit our home. Many times we took the children to visit grandparents.

Question. What type of problems did the children have coming from a non-Indian home that they might not have had if they would have been placed in an Indian home to begin with.

Answer. Non-Indian parents have nothing to offer Indian children. They cannot reinforce their Indianness.

Question. Did any of the children feel resentful toward the Welfare Department or Social Worker?

Answer. Yes. They had bad feelings and felt they were not giving parents a chance.

Question. Did you feel any lack of communication between you and the Welfare?

Answer. Yes. The Welfare would like foster parents to come to them with the problems of the children. As an Indian parent I could work out the problems myself.

Question. Do you feel as an Indian Foster Parent that local welfare departments can effectively deal with Indian children?

Answer. No. Only if they have Indian input or have an Indian person on staff.

Question. Why do you feel more Indian people do not apply for Foster Care?

Answer. Indian peoples standards and ways of life do not meet the standards of Welfare Department. The Welfare Department, courts, private welfare agencies, are all complicated structures with which the Indian would rather not come in contact with.

Question. Why do Indian people feel there is not a need to use outside resources such as foster care for Indian children.

Answer. Many Indian people would rather take care of their own.

In the state of Minnesota, foster care is a program designed to insure the best possible home situation for children. However, the program lacks many elements. First is the ability of the local welfare agencies to effectively deal with minority children. The lack of communication between social workers working with the Indian natural parents and Indian foster parents. The inability of the welfare system to understand and effectively work with the local Indian community has been well documented. In the area of foster care, 31.3% of the Indian children under twenty are in some type of foster care situation. Second is the lack of Indian foster homes for Indian children. In counties surveyed by the Department of Health and Social Services with large Indian populations, there is serious lack of licensed Indian foster homes. The reasons for this are numerous, but two things stand out. The First is the amount of substitute care that exists within the Indian community. This is a natural outgrowth of the culture of the American Indian. Indian tribes have always looked after the children of the tribe. There was never any need to use outside resources for tribal members. The other important reason is the license requirement. Most families do not understand the necessity for a license; their membership in their tribes is sufficient for them to provide an adequate home for other younger tribe members. Third is the bureaucracy that surrounds the entire foster care program. The Welfare Department, the courts, and private welfare agencies, are all complicated structures with which the Indian would rather not come to grips.

The population of Indians in Minnesota is approximately 1%.

Of all children in Minnesota 70% of cases guardian or parents, Indian children ratio is 59%.

Commissioner of Public Welfare acts as legal guardian of 2989 children all of whom are dependent or neglected, that is 8.2% of total Public child Welfare case load.

White children 6.3% of all White children, somewhat lower than total ratio of 8.2%.

Ratio of Indian child is much higher—19.5%, as is ratio of Negroes (16.6%)

Children under state guardianship (Mental & Epileptic) 7.7% are white children, 1.3% of Negro, and 0.8% Indian.

Children in foster homes is 17.1% of total case load. Indian children foster care is largest single category accounts for 31.3% of all Indian children. Comparable figure for White and Negro children nearer the total figure 15.4%, 19.2% respectively.

Public number of children by race. Public and Private case loads. *Public* total case load of 36,256. Indian children were 3220=8.9%

Key Counties:

Becker—55.8%
Beltrami—47%
Cass—70%
Carlton—28%
St. Louis—11.6%
Hennipen—9.9%
Ramsey—4.4%
Atkin—7.6% (15 children)
Chicago—10.8%
Clear Water 52.9%
Cook—23.8%
Hubbard—25.5%
Itaska—13.2%
Kooching—25.5%
Manoman—72.2%
Mille Lacs—40.3%
Pine—17.5% (50 children)
Pipestone—15.8%
Roseau—8.9% (21 children)
Traverse—12.5%
Yellow Medicine—19.1%

PRIVATE AGENCY

Catholic Social Science Association (St. Paul) 45.8% case load Lutherans 4.7% is Indian.

Childrens guardianships total 36,256—3220 are Indian Parents 25,426, Indian 1904.

Commissioner of Public Welfare:

A. Dependent or neglected 2989 total, 627 Indian (20%?)

B. 2376 Mental or Epileptic, 26 Indian

This doesn't mean there aren't any—may not take our kids who are.

Legal custody for County and Private—Total 3154, Indian 454.

Of County Welfare roles take guardianship away double the rate on Indian parents.

Hennepin County Case load 9475—White/6984, Negro/1505, Indian/934 Other/52

Foster Homes: Total 1880—White/1298, Negro/296, Indian/268.

Those that stay with parents: Total 5461, White/3913, Negro/1016, Indian/510.

St. Louis County total: 2725, White/2307, Indian/317, with parents 188, dependent or neglected, Commissioner of Public Welfare 306 Total, white/201, Indian/89. (½ Indian kids on Welfare.)

Legal custody—Private agency Total: 242, White/198, Indian/28. Foster families—Total: 469, White/335, Indian/105 (⅓)

Rural totals of Minnesota 17,847, Indian/1695, with parents, 12,834, Indian 987.

Rural Public Welfare Commissioner—total 911, Indian/283. Legal custody or private agencies total 1959, Indian/283. Foster homes—total 2775, Indian/551.

INVOLVEMENT IN CRIMINAL JUSTICE SYSTEM BY INDIAN FOSTER CHILDREN

My involvement with the Indian youth of Duluth has taken me into many areas. One of these areas has been the juvenile justice system and the subsequent results.

Of all the Indian youth that I have been in contact with through the justice system, 80.5% of these kids have been or are involved with foster homes or group homes. Of these youth, the large majority of them have been forced or very subtly pushed into forgetting their people and their culture. The cultural shock of being removed from their families has been devastating to these young Indian people. The forcing of alien values, beliefs and culture has produced another group of very confused and unfortunately, partially assimilated or totally assimilated young Indians.

The practice of removing young Indians from their families has become a big business for white families and a cop-out for the Welfare system. The saving of

Indian youth from their own people has become the answer to the so-called Indian problem. Welfare sits by and gives white foster parents the job of raising Indian children as good Christian Americans with a sense of value and worth, instead of allowing that child to remain in his home and retain a culture of beauty, rationale and spiritualness.

Again, white people are getting rich off the Indian. The whiteman has used the Indian's art, handicrafts, land base, bodies and now their children to obtain the almighty dollar. The entire practice of foster placement is a disguise for further humiliation, destruction of family life, assimilation of a people and the ultimate genocide of the American Indian.

The cycle never ends for Indian youth because the child cannot relate to his white foster parents and their values. He or she builds up a resentment that can take many manifestations. Unfortunately, most Indian youth take the route of breaking the law and thus becoming involved with the juvenile justice system. This involvement only gives the courts and welfare the excuse to continue foster care. The sale of Indian flesh by Welfare to white foster parents is a poor excuse for a solution to the Indian problem. When, in fact, the real Indian problem is the whiteman himself. The young Indian never learns to cope with his new environment because the foster parents far too often see him or her as a meal ticket. He is never accepted as an Indian; he always has to change to the foster parents ideas of a young adult or child. School is a problem because the foster parents and the school have their pre-conceived ideas of the Indian as a low achiever who will never amount to anything.

The sensitivity and human care for young Indians died with the Sand Creek Massacre, the Washita Massacre and the Wounded Knee Massacre. Money has replaced humane attitudes in the whiteman's world and thus the Indian is sold on the block as a slave. He or she becomes a slave to a demoralizing, dehumanizing, ineffective and outdated set of values and beliefs.

There are no other conclusions to draw except that the Indian has been and still is being forced from his world into an alien one. The Indian is still not recognized as a human being with rights and privileges, even though he has given his life in all the major wars of this century, honored his end of the treaties, respected the flag and accepted the principles that this country was based on.

Stealing our future as a people is one of the greatest crimes the whiteman has ever devised. He justifies it with the fact that the Indian is a "pagan", a believer in the preservation of nature, a non-user of mineral resources, a non-destroyer of the land and a family man. All of which have gone by the wayside because they don't adhere to progress and civilization. The whiteman has used progress as an excuse to conquer and own all, including people of other cultures. No one asks the Indian how he feels and what he believes, because after all he is only a pagan savage with a thirst for the whiteman's medicine, alcohol.

The entire question of Indian parents rights has been violated. The Indian parents have never been consulted about their children and whether they can be or should be removed from home. Home may only be a 2 or 3 room house, but it is a place of love and understanding, not a place of materialistic values and insensitive ideas about the darker races of the world.

The Welfare is insensitive and immoral when it comes to Indian feelings, beliefs and rights. The law has never been upheld for Indians and their fight to retain their children. A double standard exists in the Welfare system for Indians and parental rights and only the whiteman can do away with that standard. The law was created by the whiteman and is used by him to get what he wants. Too often, the whiteman uses his law to protect himself from his moral obligations to the Indian.

Only the whiteman can change and sacrifice because the Indian has done too much of both. The need for justice exists, what will the government do to equalize the whiteman and the American Indian.

ED HOWES,
Duluth Youth Worker.

INDIAN FOSTER CHILD

The following is testimony by Vincent Martineau, 23 years old, of the Fond du Lac Indian Reservation. Mr. Martineau spent a great portion of his childhood off the reservation and placed in white foster homes. Billy Blackwell of the Indian Youth Program questioned him.

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

Answer. September, 1963—13 years old.

Question. Why were you taken?

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

Question. Were you taken off the reservation?

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

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

Answer. Yes.

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

Answer. 14 families.

Question. How many brothers and sisters do you have?

Answer. Seven.

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

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

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

Answer. Yes. I especially feel for the same problems for my brothers and sisters. They lost everything.

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

Answer. Yes. Definitely.

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

Answer. Yes. To a large extent.

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

Answer. Yes.

Question. Why?

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

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

Answer. Yes.

Question. How many?

Answer. Over 80% of the children of the village I grew up in, Sawyer, on the Fond du Lac Reservation. The population is 280. Since then I have met many who were also in foster homes.

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

Answer. It certainly is.

Question. Do you think you will ever recover from what happened to you.

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

PUBLIC LAW 280 STATES—CALIFORNIA, MINNESOTA, NEBRASKA, OREGON, AND WISCONSIN

'The utmost good faith shall always be observed toward the Indians; their lands shall never be taken from them without their consent; and in their property, rights and liberty, they shall never be invaded or disturbed, unless in justified and lawful wars authorized by Congress; but laws founded in justice and humanity shall from time to time be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.'

The language of this ordinance was reaffirmed with minor changes by the first Congress under the Constitution in 1789.

In 1953, Congress approved House Concurrent Resolution 108 which, contrary to the "utmost good faith" which is "always" to be observed toward Indians and contrary to the principles of the Indian Reorganization Act of 1934, purported to end federal responsibility for Indian affairs. Thus, House Concurrent Resolution 108 was the first formal enunciation of the termination policy of the 1950's. Public Law 280, enacted 14 days after House Concurrent Resolution 108, was part of this termination policy.

Public Law 280 provided for what seems to be a unilateral assumption of civil and criminal jurisdiction by states over Indians without the consent of Indians. Many Indian tribes and people at this time objected to the law as written and asked that an amendment be attached to the legislation which would require a referendum among Indians before the state could assume jurisdiction over them.

Congress did not heed to the Indian wishes, and it became law, as is. There seems to be a serious legal question as to whether Public Law 280 has any validity in any state, regardless of how that state assumed jurisdiction because, in the absence of Indian consent, Public Law 280 as part of the policy of termination could well be an illegal attempt by the United States to abrogate its responsibility to the Indian people.

Throughout the administrations of John F. Kennedy, Lyndon B. Johnson and Richard M. Nixon, administration policy has been one of self-determination by Indian people. Public Law 280 runs against the grain of today's national policy. Therefore, it is the consensus of the Indian people of Duluth, Minnesota that Public Law 280 be abolished and new laws be enacted which would be in line of the present self-determination policy.

SPECIFIC RECOMMENDATIONS

(1) That an Indian child care agency (possibly the Minnesota Chippewa Tribe, Sioux Communities, and urban populations) be established and contract directly with the federal government for all D/HEW and BIA funds for child caring services; that is, set up their own field offices and case workers.

(2) To begin the return of Indian children to their natural homes or Indian foster or group homes, and a drastic lowering of the adoption rate of Indian children by non-Indian families. Furthermore, that this Indian child care agency be given thorough supervision of all Indian children in foster and group care.

(3) That Indian parents facing termination of parental rights hearings be given thorough knowledge of their right to a court appointed attorney.

(4) That Congress authorize and make funds available for the position of the Division of Child Welfare and Family Protection Services within the Department of Health, Education and Welfare.

(5) That new laws be enacted regarding the make-up, operation, and philosophy of all juvenile treatment facilities and institutions to better ensure treatment and not punishment.

(6) Recommendation on Public Law 280 (67 stat. 588) as enacted by the 83rd Congress, 1st session, August 15, 1953. Pertaining to the original policy of the United States of America, the Northwest Ordinance of 1787 provides a oft quoted reminder of "original" federal policy toward Indians:

Senator ABOUREZK. The next witness is Ms. Ramona Osborne who works for the Bureau of Indian Affairs in Washington.

We'd like to welcome you to the committee. Do you have a prepared statement?

Ms. OSBORNE. No. I don't.

STATEMENT OF RAMONA OSBORNE, BUREAU OF INDIAN AFFAIRS, WASHINGTON, D.C.

Ms. OSBORNE. Senator Abourezk, I would like to take this opportunity to express my appreciation for the opportunity to share my insights concerning the welfare of Indian children and youth.

Before proceeding, however, I would like to state for the record that I am a member of the Pawnee Tribe of Oklahoma and educator with the Bureau of Indian Affairs, and am appearing today in my personal capacity.

Senator ABOUREZK. You're not representing the Bureau of Indian Affairs?

Ms. OSBORNE. No, sir. I'm appearing in a personal capacity.

Senator ABOUREZK. Have you been warned or advised by the Bureau of Indian Affairs not to testify?

Ms. OSBORNE. No, I have not.

Senator ABOUREZK. You don't feel your job is in danger because you're going to testify?

Ms. OSBORNE. I hope not.

Because of the technical nature of a portion of my testimony, I think it might be well if I provide a brief résumé of my professional preparation and experiences which have resulted in the views that are given and that are expressed.

Personally, I hold degrees in education from Oklahoma Baptist University and North Eastern State College of Oklahoma. I have experiences as a classroom teacher and have served as State coordinator of the leadership development program for Oklahoma Indian youth, and currently served as director of the Bureau's student activity program.

Perhaps of greater significance to the measure of my statement, is that during the past 2 years I have done extensive research into the two critical areas of educational administration and student rights.

While the major emphasis of these hearings is upon abuses of child removal practices, my statement concerns the welfare and well-being of Indian children and youth once they have been placed in a living environment away from their natural parents.

Recognizing that the boarding schools offered by the Bureau provides such living arrangements for a large number of Indian children and youth, I would like to focus upon the Bureau practices, policies, and procedures, which in my estimation do not permit the maximum development of the student and secondly, do not cultivate the Bureau's legal obligation to accord and protect the constitutional rights of students enrolled in a school.

At the present time, the Bureau operates some 75 boarding schools which have a combined total enrollment in excess of 30,000 students. As set forth in the Bureau manual, eligibility for admission is determined by the specific or by specifying educational and social criteria which include those students who are retarded scholastically 3 or more years, those who are rejected or neglected or for whom no suitable plan can be made, and those whose behavioral problems are too difficult for solutions by their families for their existing community facilities.

Understandably, therefore, the criteria dictates that there will be a concentration of students in these boarding schools who have special problems and special needs.

The fact that most of these students enrolled in boarding schools are there for social reasons is well known. Many come from broken homes, others are orphans or delinquents, and most are neglected in some way or another. The very nature of these circumstances indicates that the school is in a great moral and professional responsibility to provide every opportunity for the maximum development of the student, socially, emotionally, and intellectually, physically, and spiritually.

At present, in my estimation, this is not possible where there are fundamental problems of educational administration which are not considered in the organization and administration of Bureau's educational system, of which the 75 boarding schools are a part.

Consider, for example, the incompatibility which exists between the nature of an enrollment as dictated by the admission criteria and the Bureau's boarding school program. In effect, and in reality, there is no compatibility whatsoever. Here we have students enrolled who have special problems and special needs. Yet, the programs which are

offered by these boarding schools and the staffing of these schools, do not reflect in any way that these programs are based or directed toward culminating the needs of these students.

In my estimation, if the boarding schools are ever to become or are ever to be of a qualitative nature, the major reforms are necessary in the manner in which the Bureau administers its total educational system.

It is tragic, but some of the most basic principles of sound administration are not considered in the least.

Consider, for example, the fact that as a general rule the needs of students enrolled in Bureau boarding schools have not been scientifically identified. As a result of the failure to assess such needs, it is totally impossible to establish sound program objectives.

In addition, it is further impossible to develop a program or any plan of action for obtaining any objectives in meeting the needs of these students, the individual needs.

While there has been some discussion this morning with regard to the assessment of needs and the fact that the needs of students in Bureau schools have been assessed, I would hasten to add that it is very important that any assessment of needs be done in a most scientific manner.

For example, it will be necessary to utilize testing instruments. In addition, it is extremely important to gain the perspectives of the parents of these students who are enrolled in these schools.

It is further important to get the perspectives of the students themselves. It is also important to gain the perspectives of the administrators and the staff of these schools. I cannot emphasize enough the necessity for, on a school-by-school basis, developing or making an assessment of the overall needs of the students that are enrolled in our boarding schools.

On another matter that related to the matter of student rights and responsibilities, we have been in the process for almost 3 years attempting to develop a code of student rights and responsibilities. Over the past 3 years, we have been attempting to identify the extent to which students enrolled in Bureau of Indian Affairs schools may exercise their constitutional rights.

In December of 1971, I was given the responsibility for developing such a code. After extensive discussions with my supervisor, my division chief, and the then director of education, we came up with a very comprehensive project which would have enabled us to develop a code of student rights and responsibilities. In addition to performing a need assessment identifying goals and objectives and beginning the process of establishing personnel standards for employees who are working in the Bureau of Indian Affairs.

This was in December 1971. The project was conceived as a three-phase project. We have completed phase 1, but we were never able to receive an approval, nor funding for the continuation or the completion of phase 2 and phase 3.

In addition to these efforts, a number of other efforts were commenced at about the same time that the Bureau commenced its effort. Unfortunately, nothing ever really resulted from the efforts of these several groups.

In August of 1963, the Bureau established a five-member committee on student rights and responsibilities who would have the responsibility for developing a set of policy guidelines relating to the rights and responsibilities of students enrolled in the Bureau of Indian Affairs schools.

In my estimation, there was considerable confusion within the committee as to just exactly what our responsibility was in terms of developing such guidelines. I am of the opinion, that the guidelines should set forth what the law says with regard to constitutional rights, but these guidelines should further set forth what the courts have determined to be the law with regard to the exercise of these rights and that, further, these guidelines must also cultivate the diverse situations and conditions which exist throughout the Bureau's educational system.

On the other hand, other members of the committee felt that to do this we would be getting too specific, that we should leave this specificity to the responsibility of the individual schools, to the neighborhoods, that they develop their own policy relating to student rights and responsibilities.

Senator ABOUREZK. Were there any procedural rights set out in the guidelines at all?

Ms. OSBORNE. None other than as it would relate to procedural due process.

Senator ABOUREZK. Were there guidelines of procedural due process laid out?

Ms. OSBORNE. Very general. They were very general.

Senator ABOUREZK. Did it provide, for example, for ways in which the students could bring their grievances?

Ms. OSBORNE. No, sir, it did not. The only thing that it provided for was notification of the charges against the students at hearings, and the right of appeal. This basically is what was provided in the proposed guidelines.

Senator ABOUREZK. Let me ask you this. The considerations of concern that you've expressed with regard to the incompatibility of the boarding school program and the needs of students were made known to education administrative personnel and the Bureau?

Ms. OSBORNE. Very definitely.

Senator ABOUREZK. What has been the result of your letting them know that?

Ms. OSBORNE. The response which I have received so often is, "Well, yes, this is true; however, we don't think that it would be wise to address ourselves to that particular point at this time."

Now this viewpoint of the incompatibility and the necessity for performing a needs assessment and developing educational objectives was the essence of the project proposal which was submitted in December 1971 as I mentioned earlier.

In addition to this being set forth in the project proposal, I did reiterate this very point in a memorandum that was dated July 6, 1973, in which, it was to the acting director of Indian education programs through chief division school operations with regard to student rights and responsibilities, and this memorandum, which is four pages in length, I go into great detail to explain the project which had been taken prior to that time, the entire nature of the project and the

objectives which we hope to obtain through the project. However, in response to this memorandum I was totally disappointed that no consideration was given, whatsoever, to these very important areas.

Senator ABOUREZK. Do you want to offer that memorandum for the record?

Ms. OSBORNE. Fine.

Senator ABOUREZK. We'll accept it.

[The memorandum follows:]

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Washington, D.C., July 6, 1973.

MEMORANDUM

To: Acting Director of Indian Education Programs.
Through: Chief, Division of School Operations.
From: Education Specialist (Student Activities).
Subject: Student Rights & Responsibilities.

Recently, on several occasions, I have discussed student rights with my Division Chief, Richard Keating. The focal point and repeated emphasis of these discussions concerned the legal vulnerability of the Bureau in this particular area of educational responsibility.

It was when no results of my efforts seemed to be forthcoming that I met with you for the purpose of alerting you to this vulnerability. As you requested, however, I returned to Dr. Keating and again discussed this with him, with the understanding that following such discussion he and I would meet with you to discuss this matter fully. Unfortunately, this meeting has not materialized. Instead, in a memorandum dated June 20 to Dr. Hopkins, you request "an evaluation of student rights and responsibilities" and designate a "leader of the evaluation project."

Because of the critical nature of our current position regarding student rights and since it appears unlikely that I shall have an opportunity to meet with you soon on this matter, the following factors are set forth for your consideration.

1. Current Bureau policy does not adequately provide for the protection of our students' constitutional rights. Specific provisions concerning student rights are not now a part of Bureau policy, except, due process procedures which were issued as an "Interim Procedure for Student Expulsions." Part III of these procedures, however, violate the very right they were intended to protect. They authorize the expulsion of students prior to a hearing, and, thus, contradict the concept and principles of due process—a condition made known to appropriate education personnel as long ago as March, 1972 and reiterated as recently as 3-4 weeks ago.

2. The development of sound policy relating to student rights demands a systematic and comprehensive approach—an approach which insures extensive research, careful consideration and appropriate application of legal and educational factors. The importance of this can best be illustrated by the bitter lessons of our own mistakes. The untenable provisions of part III of the Interim Procedure, as an example, are the direct result of imprudent reliance upon persons not having the benefit of thorough research in the area of student rights. Although I was initially involved in the development of the procedure, records indicate that the ill-conceived part III was prepared and other revisions made by a person having no experience or background in student rights.

With specific reference to the necessity of a comprehensive approach, the Central Office has erroneously operated on the assumption that a Code of Rights & Responsibilities is a legal entity, wholly independent of the circumstances, needs, and objectives of the educational program. Such an assumption, however, is negated by the inherent relationship of student rights to the program goals and objectives. This relationship has been repeatedly confirmed by the courts. The general consensus of judicial opinion is that, although a student is protected by the constitution and must, therefore, be accorded his fundamental rights, the exercise of these rights must correspond with the circumstances of the school. The United States Supreme Court, in reviewing a case involving freedom of expression, asserted that the exercise of rights must be "in light of the special characteristics of the school environment."

Adding another dimension to this relationship, the lower courts, in declaring that the school has a legal obligation to set forth standards of student conduct,

have pointedly implied the importance of program needs and objectives. In this respect, the report of the Commission on Campus Government and Student Dissent by the American Bar Association, emphasizes that standards of student conduct are determined by the educational needs and objectives of the respective program, and, the extent to which it has reasonably determined that certain rules are necessary to the accomplishment and protection of the objectives.

3. In his status as a student, an individual's first right is the right to a quality education—a right confirmed by the U.S. Supreme Court as early as 1923.

Efforts to provide adequate protection of student rights must, therefore, include measures which insure quality in our educational program. An appropriate first measure is to assess the "foundation" upon which the Bureau's total education program is based, for effective program organization and administration dictates that a sound and meaningful foundation is the first requirement. The educational foundation, including a stated philosophy, goals and objectives, and standards, provide a minimal but comprehensive framework for the development of a quality educational program—the philosophy providing a broad description of the conditions, beliefs, and concepts upon which the program is based; the goals and objectives clearly identifying specific accomplishments which the program is seeking to attain; and, finally, the standards providing a framework of criterion for establishing and maintaining quality.

It has been my continued position that the foregoing factors mentioned in items 2 and 3 above must be considered in the development of a Code of student rights and responsibilities. It was these factors and realizations upon which I designed and proposed a 3-phase study of student rights and responsibilities in February, 1972. The project was approved in March, 1972. Funds were allocated for phase I and this was implemented under contract with the Oklahoma Indian Rights Association.

4. The 3-phase student rights project provides a sound, systematic and comprehensive approach to the fulfillment of our responsibility regarding the basic rights of our students. The project sought to develop a realistic sequential basis for the development of a Code of Rights & Responsibilities by bringing together basic and appropriate elements of law, educational management theory, and the perspectives of educators, students, and Indian people, particularly parents. At this point, only phase I has been implemented. This phase was primarily fact finding in nature, and generally encompassed the following activities:

1. Legal research to determine the legal and educational responsibilities of bureau schools; the adequacy of existing bureau policy relating to student rights; the applicability of court rulings involving the rights of public school and university students.

2. An examination of theory and principles of educational program organization and administration.

3. A survey of perspectives on student rights, various aspects of the bureau's educational program, including an assessment of needs as perceived by school administrators, teachers, dorm staff, students, Indian parents, advisory school boards, and other interested individuals and groups.

The ultimate objectives of the total 3-phase project were, to:

- (1) Establish a Bureau-wide educational philosophy, goals and objectives, and educational standards;
- (2) Develop a Code of Rights and Responsibilities; and,
- (3) Design a corresponding plan to orient Bureau personnel and students, parents, etc., to the newly developed philosophy, goals and objectives, standards, and code; and within the framework of these documents assist area education offices and schools in the development of similar documents appropriate to their specific circumstances.

Compilation of phase I results was delayed due to the damage or loss of a number of graphs, charts, and other material during the November take-over. Efforts to reconstruct this material are continuing and I am reasonably confident that these can be entirely reconstructed.

Considering the foregoing factors, the enormity and complexity of student rights, and the critical importance of time, development of a Code of Rights & Responsibilities can no longer be delayed. In this regard and with all due respect, I question the necessity of "an evaluation of student rights and responsibilities." Certainly, the current status of the several efforts pertaining to student rights must be clarified, and a determination made as to what must be done from here on. However, an "evaluation project" per se is not required to accommodate the items set forth in your memorandum.

With specific reference to the "decision areas" set forth in your memo, these can easily and adequately be answered within the course of a few hours of effort and open discussion. For example, with regard to the Central Office involvement, as expressed in the first decision area, it seems perfectly clear as to what the Central Office's involvement must be in light of the policy making function with which it is charged.

In addition, the administrative soundness and feasibility of an evaluation must be carefully considered, for: How can an evaluation, in its technical sense, and as might be performed by the Division of Evaluation and Program Review, be warranted and accommodated in the absence of policy relating to student rights.

Finally, time is critical—The "evaluation project" to be completed by August 5, and the designation of a person who would need time to study the total area of rights as the "leader of the evaluation project" dangerously prolongs the Bureau's period of legal vulnerability.

In conclusion, clarification of individual rights and corresponding responsibilities of students enrolled in Bureau schools is critical. Serious confusion and questions continue to exist regarding the extent to which the schools may establish and enforce student conduct without infringing upon individual rights. Disciplinary problems have increased and will worsen until policy guidelines are set forth which clearly designate the scope of school administrators' authority.

During the past year I have diligently and extensively researched the total spectrum of student rights. This has included careful examination of the law, review of court decisions involving student rights and extensive conversations with students, Indian people, school administrators and staff. For these reasons, I feel that I have a valuable contribution to make toward the fulfillment of our responsibility to protect the constitutional rights of our students. I am, therefore, requesting that I be designated the responsibility of developing a Code of Rights & Responsibilities for our schools.

I shall appreciate an opportunity to discuss this with you at your earliest convenience.

RAMONA L. OSBORNE.

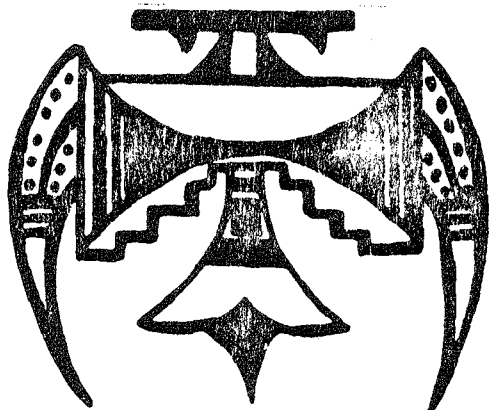
Senator ABOUREZK. Ramona, do you have anything more you would like to say today?

Ms. OSBORNE. No, sir, not at this particular time.

Senator ABOUREZK. I want to express the gratitude of the committee for your testimony and for the information provided. We're hopeful that that will be helpful as well. We want to thank you very much.

[Subsequent to the hearing the following information was received:]

RESEARCH AND EVALUATION REPORT SERIES NO. 25-B

STUDENT RIGHTS AND RESPONSIBILITIES
A PROGRESS REPORT

INDIAN EDUCATION RESOURCES CENTER
BUREAU OF INDIAN AFFAIRS
DIVISION OF EVALUATION AND PROGRAM REVIEW
P. O. BOX 1788
ALBUQUERQUE, NEW MEXICO 87103

APRIL 1974

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MORRIS THOMPSON, COMMISSIONER
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WILLIAM J. BENHAM, ACTING DIRECTOR
OFFICE OF INDIAN EDUCATION PROGRAMS
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Albuquerque, New Mexico

THOMAS R. HOPKINS, CHIEF
DIVISION OF EVALUATION AND PROGRAM REVIEW
Albuquerque, New Mexico



FOREWORD

In recent years, the Bureau of Indian Affairs, like other organizations operating education systems, has had to re-examine its position with regard to the current legal status of youth attending school. Court actions, although still indecisive on this point, herald a new era of school-student relationships and the Bureau's Office of Indian Education Programs holds that this change will assure improved conditions for the total school community.

It was with this positive attitude that the Bureau embarked on a course which has led to the development of Student Rights and Responsibilities Regulatory Procedures. In order to move quickly, but fairly, a strong foundation was designed to assess existing programs, court decisions, legal opinions, and Indian student and community viewpoints. The steps were patiently taken to arrive at a Student Rights and Responsibilities Proposal with nationwide support.

This document or series of papers demonstrates the care with which we have moved to provide the areas and local schools with Guidelines and legal support to establish Student Rights and Responsibilities Programs. It is our hope that the process of developing and implementing these programs will be a rewarding educational experience for all Indian youth in Bureau Schools.

Dr. William J. Benham
Acting Director
Office of Indian Education Programs

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BACKGROUND INFORMATION REGARDING BIA STUDENT RIGHTS AND RESPONSIBILITIES

The Nation's Education Institution in the very late Sixties and early Seventies started going through an unsettled period regarding the rights and responsibilities of students. This movement started affecting Bureau schools in a real manner during the School Year 1971-72. It culminated in a Commissioner's memo dated February 1, 1972, entitled, "Interim Procedures for Student Expulsion." Apparently, there was unrest about the number and types of expulsions from Bureau schools and the manner in which they were being handled. Also, though it is not clearly known why, the BIA Manual procedures regarding expulsions were not involved in the problem. Essentially, starting with the above-cited memo, there was a great deal of activity within and outside of the Bureau regarding Student Rights and Responsibilities in Bureau schools.

In May 1973, the Program, which is a sensitive one, again emerged when there was a question of how best to develop it. At that time, it was decided that a systematic implementation should be undertaken. The first part of this was to evaluate the program on a Bureauwide scale. The evaluation took place and is available in report form. Following the evaluation, an inhouse committee was established to develop Program Guidelines in Student Rights and Responsibilities that were to serve as a basis for developing a section for the Indian Affairs Manual (IAM). The Committee started meeting in October 1973 and completed their work on February 26, 1974.

It should also be noted that the Commissioner's memo cited above was replaced on December 26, 1973, with a Bulletin that added to the expulsion procedures and made some modifications.

The Student Rights and Responsibilities Committee work was renewed by the Field Solicitor in Albuquerque, New Mexico, and by the Assistant Solicitor for Indian Affairs in Washington, D.C. Both reviews confirmed the Committee work and said that: "... we conclude that the substantive provisions of Sections 906, 62 BIAM, entitled Rights of the Individual comport with due process requirements."

The Assistant Solicitor's opinion did, however, continue and dealt further with the Interim Procedures and the proposed guidelines. The Solicitor drew from the Supreme Court decision under Morton vs Ruiz wherein following the Administrative Procedure Act, as it pertains to substantive rulemaking, was cited. The Administrative Procedure Act requires publishing in the Federal Register those Federal rules that affect the public. Hence, the new guidelines are now in the process of being published in the Federal Register and appropriate parts of them will eventually become a part of the Code of Federal Regulations 25, which concerns Indian Affairs. The Assistant Solicitor also stated that the Interim Procedures, because they had not followed the Administrative Procedures Act, were invalid procedurally and, "... may not affect anyone adversely." This same conclusion applies to the IAM that is extant.

Currently, the Bureau is proceeding with dispatch, to correct the situation and place this most vital aspect of the Education Program on a sound humane and legal base.

To itemize, the Program as planned has the following steps:

1. Evaluation (completed).
2. Development of Guidelines (completed).
3. Field review of Guidelines (completed).
4. Development of Manual Release (being revised).

5. *Legal review of proposed Manual section and publication of pertinent parts in the Federal Register according to Administrative Procedure Act (now in process).*
6. *Development of Curriculum Bulletin to support program concept (being developed now).*
7. *Evaluate the program during the 1974-75 school year.*

There are some general observations that are important to a better understanding of the program.

First, the Guidelines developed by the Committee (which was created by Assistant Secretary William Rogers) received a wide national review and critique. The product of the Committee, therefore, is a result of this review. One theme provided by the review process was that the General Office should offer general guidance and that each Field location should have responsibility for developing detailed Guidelines and a corresponding program. Publication in the Federal Register will present little new material to the schools and Indian communities.

Second, the Committee had constant advice from the Field Solicitor in Albuquerque and from the American Indian Law Students. Their advice is incorporated in the Bulletin.

Third, the approach taken early in the program tended to be largely negative. That is, it centered on expulsion procedures as applied to a small minority of the total student body. This seemed to the Committee to be inadequate and the Guidelines thereby reflect general program concern with expulsion of students as a part of it. This more comprehensive approach appeared to the Committee to be more equitable regarding all students.

Fourth, another aspect of the negativism referred to above was directed at BIA educators. A small minority of reviewers expressed the opinion that they thought school administrators for the most part would expell students in whole-sale fashion in violation of the student's constitutional rights. The evaluation could not find verification for this position.

Fifth, there is a basic difference of opinion about the manner in which the Guidelines should be administered. Those who have distrust of Field educators think that the Guidelines should be very detailed and restrictive. This position is based on the belief that the Central Office of Education should have a significant hand in school operations. The other position is based on the premise that the Area Office should have operational responsibility for the program placed squarely on their shoulders. However, it should be noted that there is no difference of opinion regarding basic program concepts. Differences pertain to administration of the program, only.

It is important to know that the approach taken by the SRR Committee borrowed liberally from the broad national review of a draft of the Guidelines. This refers to Step No. Three above.

There is every reason to believe that the Student Rights and Responsibilities program is approaching that time when major responsibility for it will be clearly and definitively shifted to the local level. If no unforeseen problems arise, the summertime should provide an excellent opportunity for schools and the Indian communities to prepare the details of their own student rights and responsibilities program.

February, 1974

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In May of 1973 the program, which is a sensitive one, again emerged when there was a question of how best to develop it. At that time it was decided that a systematic implementation should be undertaken. The first part of this was to evaluate the program on a bureauwide scale. The evaluation took place and a copy of the report is attached. Following the evaluation an inhouse committee was established to develop program guidelines in Student Rights and Responsibilities that were to serve as a basis for developing a section for the IAM.

The committee started meeting in October of 1973 and completed their work on February 25, 1974. The attached Bulletin emanates from the Committee Guidelines.

It should also be noted that the Commissioner's memo cited above was replaced on December 26, 1973 with a Bulletin that added to the expulsion procedures and made some modifications.

To itemize, the program as planned has the following steps:

- (1) Evaluation, (completed)
- (2) Development of Guidelines, (completed)
- (3) Field review of Guidelines (completed)
- (4) Development of Manual Release (Being reviewed)
- (5) Development of Curriculum Bulletin to support program concept (Being developed now)
- (6) Evaluate the program during the 74-75 school year.

There are some general observations that are important to a better understanding of the program.

First, the guidelines developed by the committee (which was created by Assistant Secretary William Rogers) received a wide national review and critique. The product of the committee, therefore, is a result of this review. One theme provided by the review process was that the Central Office should offer general guidance and that each field location should have responsibility for developing detailed guidelines and a corresponding program.

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Fourth, another aspect of the negativism referred to above was directed at BIA educators. A small minority of reviewers expressed the opinion that they thought school administrators for the most part would expell students in violation of the student's constitutional rights. The evaluation could not find verification for this position.

Fifth, there is a basic difference of opinion about the manner in which the guidelines should be administered. Those who have distrust of field educators think that the guidelines should be very detailed and restrictive. This position is based on the belief that the Central Office of education should have a significant hand in school operations. The other position is based on the premise that the Area Office should have operational responsibility for the program placed squarely on their shoulders. However, it should be noted that there is no difference of opinion regarding basic program concepts. Differences pertain to administration of the program, only.

Last, there is some belief that the interim procedures issued in December pose a very serious problem for the field. Basically, this refers to Section III which pertains to immediate expulsions. There are several problems but two examples will show what is meant. In some instances there are both Federal and public school employees in the same building and the procedures don't fit the local situation. In another instance, student council representation on the panels has been refused by the student council representatives. There are other problems but these two point out the difficulties that the procedures are presenting. In the opinion of the Field Solicitor, it would be very difficult for the Bureau to stay clear legally because it would be too easy to prove that the procedures were not followed. From the educators stand point, the highly structured procedures focus attention on procedures rather than on education related to the Constitution and a citizens rights under it. In summary, the Interim Procedures as they now stand are largely administratively unmanageable and educationally unsound.



IN REPLY REFER TO:
Program Review & Evaluation

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
OFFICE OF EDUCATION PROGRAMS
INDIAN EDUCATION RESOURCES CENTER
P.O. BOX 1788
ALBUQUERQUE, NEW MEXICO 87103

FEB 11 1974

Memorandum

To: Acting Director, Office of Indian Education Programs
Student Rights and Responsibilities Committee Members

From: Chief, Division of Program Review and Evaluation

Subject: Progress Report - Student Rights and Responsibilities (SRR)

The development and implementation of the SRR program is progressing satisfactorily, though delayed in relationship to our initial time considerations. A brief review of the activities is appropriate at this time.

An informal review of the SRR program in May 1973 revealed that it was extremely sensitive, confused, and at a standstill. It was determined at that time that the program should be given top priority due to its sensitivity and should be implemented with all dispatch. Characteristics of the process were to be influenced by Indian involvement and local initiative.

The first thing in the implementation process was the assignment of an evaluation of the Bureau-wide program in SRR. Dr. Henry H. Rosenbluth conducted the evaluation and submitted his report to the Department in August 1973. The evaluation report reflected that there was a wide range of activities in Bureau schools and that the quality and quantity of them ranged from 0 - 100 percent. It also indicated that while there were some outstanding programs in effect in schools, that in general, the Bureau was slightly behind the public schools in program development.

Upon completion of the evaluation, a committee was assigned to develop program guidelines in SRR. The committee was to use the evaluation report as a point of departure. It was also important to reflect in the committee strong local initiative and Indian involvement. The Central Office role was to be one of general guideline development that would have national applicability. Area Offices were to have responsibility for detailed implementation of the program. The committee which was formed was headed by an Area Office Education official, a School Superintendent, and two Central Office Education Specialists, and one Central Office Division Chief who served primarily in a technical capacity. The committee membership was as follows:

Gabe Paxton, Chairman (Anadarko Area Office)
 Jerry Jaeger, Assistant Chairman (Superintendent,
 Intermountain Indian High School)
 RaMona Osborne, Member (Central Office, Education
 Specialist)
 Henry Rosenbluth, Member (Central Office, Education
 Specialist)
 Thomas Hopkins, Member (Central Office, Education
 Division Chief)

The committee developed a draft set of program guidelines in SRR. These guidelines were given a broad, national review in and outside of the Bureau of Indian Affairs. The review process was forwarded to Areas over the signature of a Departmental official. The review process and a technical analysis of the responses have been completed and will be available in report form.

It should be pointed out that throughout the evaluation and the guideline review process, there has been first-hand discussions with representatives of the American Indian Law Students and the National Indian Youth Council. Both have been involved in the evaluation and have had the continued review of the Solicitor's Office of the Department of the Interior.

The SRR Committee met in Albuquerque on February 4-5. They completed the program guidelines development and a SRR Section for the Indian Affairs Field Manual will now be written. The Field Manual release should go out to Area Offices sometime this spring.

Program Guidelines will be issued to the Field over the Commissioner's signature as a part of a Curriculum Bulletin. The Curriculum Bulletin will contain expanded discussions of several program aspects that cannot and should not be covered in the basic guidelines document.

An evaluation design for the project is also under development. It is anticipated that the initial evaluation of the implementation phase will start in November 1974. The focus of the evaluation will be to:

1. Determine the extent of the implementation in the Field;
2. Assess extent on student involvement;
3. Determine the extent and quality of the development of Student Bill of Rights;
4. Provide information for program improvement.

By the beginning of the School Year 1974-75, the following documents will be available which will report the development of the program:

1. Evaluation of SRR, Summer 1973;
2. A report on the review of the SRR, February 19;

3. Program guidelines and related information in SRR;
4. Indian Affairs Manual Section and SRR.

The above four will comprise the written record of the program. A fifth which will probably be available in the Spring of 1975 will be a second evaluation report.

An important aspect of the total implementation process has been the seriousness with which it has been undertaken. One of the findings of the informal survey was that there was a good bit of grantsmanship and unnecessary acrimonious squabbling associated with the mixture of actions that had been undertaken. Groups were bickering, fighting, and downright angry with one another about who was going to work in Bureau schools on SRR. There was so much infighting and bickering that it was impossible to say what benefits were going to accrue in behalf of Indian students. Thus far, the program has been taken out of the grantsmanship arena and has been placed on a solid footing so that the seriousness of purpose so necessary to success is clearly a part of the effort. There continues to be efforts to staff, resist, and divert the activities and these are primarily, as before, for grantsmanship purposes. People want BIA money and many assume that a good way to get it is to use SRR. If the current BIA effort can be maintained for another three months, the program will be well established and if there are contracts related to it, they can occur at the local level where basic responsibility for implementation is being placed. I will keep you apprised of progress and supplied with the reports as they become available.

Thomas R. Hopkins
 Thomas R. Hopkins

APPROVED:

B. B. B. B.
 Acting Administrator, Indian Education
 Resources Center



IN REPLY REFER TO:
Education

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
ANADARKO AREA OFFICE
P. O. Box 368
Anadarko, Oklahoma 73005

W-3/4/74
To Commissioner Rogers

March 1, 1974

AIRMAIL

Memorandum

To: Commissioner of Indian Affairs
From: Assistant Area Director (Education), Anadarko Area Office and Chairman, Student Rights & Responsibilities Committee
Through: Director of Indian Education Programs
Through: Acting Area Director, Anadarko Area
Subject: Student Rights and Responsibilities

On August 22, 1973, Assistant Secretary of Indian Affairs, William Rogers, assigned a Committee to develop Guidelines for the Student Rights and Responsibilities program of the Bureau of Indian Affairs. A copy of this memorandum is attached.

As Chairman of the Committee, I am pleased to report that the committee completed its work on the morning of Monday, February 25, 1974, and the attached is our report which is entitled, "National Guidelines for Student Rights and Responsibilities for the Bureau of Indian Affairs" and is presented for your approval.

Since the Committee was established by Secretary Rogers, I await your instructions as to whether to disband or continue the group.

S. Gabe Paxton, Jr.
S. Gabe Paxton, Jr.
Assistant Area Director (Education)

Attachment

Transmitted: MARCH 1, 1974

Charles L. Delaney
Acting Area Director



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

AUG 23 1973

Memorandum

To: Area Director, Navajo Area
Area Director, Anadarko Area
Acting Director of Indian Education Programs
From: Assistant Secretary for Indian Affairs
Subject: Student Rights and Responsibilities

The area of Student Rights and Responsibilities is a sensitive and crucial aspect of the Bureau's Education Program. Of all the various activities that go on in a school, it is perhaps the one that can become most controversial and problematic. In order to get the Bureau off on a good start and to clear the air, an evaluation of Student Rights and Responsibilities was conducted during the summer months. I am sure you are aware of this evaluation and contributed to it in one way or another. The purpose of the evaluation was to gather valid information that would serve as a foundation for developing guidelines and for shifting major program responsibility to Areas and Schools.

I have selected a committee to develop program guidelines and draft a Manual Section concerning Student Rights and Responsibilities. The committee is as follows:

Mr. Gabe Paxton, Chairman
Dr. Jerry Jaeger, Vice-Chairman
Miss Ramona Osborne, Member & Consultant
Dr. Henry Rosenbluth, Member & Consultant
Dr. Thomas Hopkins, Member & Consultant

The committee will meet in Albuquerque at the Indian Education Resources Center Conference Room starting at 1:00 P. M., August 29. The committee is to meet continuously until the program guidelines and the draft of a section for the Manual have been completed. It is anticipated that this can be accomplished by the suggested 9/1 deadline.

Your cooperation and able assistance is appreciated. If you have questions concerning arrangements for the meeting, please call the Evaluation Division, Albuquerque, New Mexico, 505/766-3314.

W. Rogers