

S. 1214 would reduce the number of inappropriate Indian-child placements by giving broad authority to Indian tribes to prevent such placements and to regulate, when they are necessary, their terms and conditions. It would also provide funds for services to poor Indian families that would avoid the need for foster care. For these reasons ACLU enthusiastically endorses the Bill.

Suggested Revisions

I have several modifications to suggest, however. Most of them are designed to enhance the Bill's purpose-- i.e., to strengthen Indian tribal and family autonomy.

First, the definition of "child placement" in section 4(g) of the bill should be clarified. As written, it seems to include placements that have been authorized by the tribe. Because the purpose of the statute is to protect tribal judgments about child placement and to regulate only extra-tribal placements made by non-tribal officials, the definition of "child placement" should be limited to placements not authorized by the tribe. This confusion is also present in section 101(a). As written, it seems to regulate the authority of the Indian parent to make a voluntary placement within the reservation. Because the Bill is designed to regulate only placements made outside the tribe by non-tribal authorities, the language should be clarified to reflect that intention.

Second, the Bill does not adequately define the "temporary" placement state officials are authorized to make in situations of imminent danger. Although temporary placement to prevent imminent danger to life or health should be possible, its duration and exercise should be carefully circumscribed. Temporary placement should last no more than 48 hours, with immediate notice to both parents and tribal authorities, and with provision for an immediate hearing as soon after the placement as possible. In its present form, the Bill does not seem to contain these safeguards.

Third, section 101(d) seems to authorize private persons, groups or institutions to seize an Indian child for up to 30 days without even giving notice to the parent or to tribal authorities. I can think of no justification for giving such authority to state officials, much less to private persons or groups.

Fourth, the Bill does not require notice to the tribe or to the parents of the fact that an Indian child who was previously placed with or adopted by a non-Indian family has been relinquished by that family to an institution. Apparently, there is a high failure rate of adoptions of Indian children by non-Indian families. Especially during the difficult years of adolescence, there is a reportedly high incidence of Indian children previously adopted by white families who wind up in mental institutions, juvenile delinquency reformatories, or renewed foster care. When this occurs, the youth's original tribe and his or her biological parents are unaware of the situation.

Rather than allowing the children to languish in such institutions, the tribe should be notified automatically so that the possibility of reintegration into the tribe can be explored. Accordingly, I recommend the insertion into the Bill of a notice requirement to the tribe of origin and/or the biological parents whenever an Indian youth, previously adopted outside the tribe, is placed in foster care or an institution, including mental institutions and correctional facilities.

These suggestions would strengthen the autonomy of the Indian family and tribe. In one respect, however, I believe the Bill confers too much power upon the tribe over an Indian child who has never resided or been domiciled within the reservation. Section 103(a) requires that in offering an Indian child for adoption every non-tribal government agency must grant a preference to the members of the child's extended Indian family. Such tribal authority over the Indian child who has resided or at least been domiciled on the reservation is entirely appropriate. However, when section 103(a) is read together with section 101(c), it appears that the tribe has comparable authority over the Indian child who has never been a resident or domiciliary of the reservation. This might have unfortunate results.

For example, the child might be the offspring of an Indian parent who has long left the reservation and a non-Indian spouse. The child may have familial attachments to the extended family of the non-Indian parent. In the event of the death or disability of both parents, the child's tribe of origin would have greater claim to the child than would the non-Indian family with whom the child may have been raised. Absolute tribal authority in those circumstances,

is not in the best interests of such children. Section 103(a) should, accordingly contain language similar to that in section 103(b); i.e., that a preference shall be given to members of the child's extended family, "in the absence of good cause shown to the contrary."

Conclusion

I hope this presentation of ACLU's views will be useful to the Committee. Thank you for the opportunity to speak with you today.

Senator HATFIELD. Mr. Isaac?

Mr. ISAAC. Mr. Chairman, the next panelist is Faye LaPointe of the Tacoma Indian Center, Washington State.

Senator HATFIELD. We are very happy to welcome you here, Ms. LaPointe.

**STATEMENT OF FAYE LaPOINTE, TACOMA INDIAN CENTER,
WASHINGTON STATE**

Ms. LAPOINTE. Thank you, Mr. Chairman.

My name is Faye LaPointe. I am coordinator of the Tacoma Indian Center, which is a corporation in the State of Washington providing human services to Indian people around the country. We have a nine member board of directors. We are at this point operating a child placement agency. We have been in operation since March of this year.

Six members of our board of directors are foster parents. The board is aware, through experience of the past, of genocidal practices inflicted upon our families and our communities. They are aware of the damage that such practices have brought to our communities.

As individuals and as an organization, we have requested Federal standards or policies to assist us in providing child welfare in our area. We believe that we can work with S. 1214 if we are involved in the final drafts, and we will be providing amendments to this bill.

The Tacoma Indian Center is based on the Puyallup Indian Reservation. We do recognize and respect the boundaries of the Puyallup Indian Reservation. We respect the authority and the capability of the Puyallup Tribe in exercising jurisdiction over their reservation. The governing bodies of both the Indian center and the Puyallup Tribe have met and have discussed S. 1214.

The Tacoma Indian Center supports and endorses the position that the Puyallup Tribe has taken in Ramona Bennett's testimony today. Thank you.

Senator HATFIELD. Thank you very much.

I want to thank each of you again. You have been an excellent panel, and you have complemented the statements of one another.

I want to express our deep appreciation for the time and effort that you have taken to be here.

Thank you very much.

Mr. ISAAC. Thank you, Senator.

Senator HATFIELD. Now, I would like to invite Mr. Lee, Mr. Brown, and Mr. Reeves to the witness table.

Mr. Reeves is the legislative director of the Friends Committee on National Legislation. I have sort of put together an ecumenical table here. Mr. Reeves, we are very happy to have your testimony.

Before we introduce the others, it is my real pleasure to introduce my colleague from the Northwest, Congressman Gunn McKay from Utah. I have worked with him on a number of occasions on north-western problems. He has very graciously come over here to what they refer to as the other body this morning.

I am going to defer and invite the Congressman now to make a presentation of the other members of the panel with whom he has a special and direct relationship. We are very happy to welcome you here, Congressman.

Congressman MCKAY. Thank you, Senator.

I appreciate your deference. As you may know, we are dealing with the energy package, and at the present time we are working on taxation. So, I may have to leave in the middle; but I am pleased to be here.

STATEMENT OF HON. GUNN MCKAY, A U.S. REPRESENTATIVE IN CONGRESS FROM THE STATE OF UTAH

Congressman MCKAY. Thank you, Mr. Chairman.

I am pleased to be here and indicate to the committee that we have deep concern about the Indian community and what is happening. I think there is a problem here that needs to be addressed, and this bill is on its way to dealing with it.

We have particular concerns in Utah. I will introduce two guests who represent the Church of Jesus Christ of the Latter Day Saints, which has had a program for many years of outreach to assist and aid the Indian communities that they deal with in many ways. I have had some experience in that regard and would like to leave you with just a little story about a neighbor.

He is involved with an Indian placement program. This is an educational program; it has nothing to do with adoptions. But it could be affected by this bill in adverse or positive ways. That is where the concern comes in. They will detail the program and answer any questions relative to it.

These young people come at their own behest or that of their parents. In this one instance, my neighbor had a little Navajo girl in their home for 3 years during the school term. At the end of those 3 years, the relationship has been good; and she has been encouraged in the culture of her forebears and her tribe to be proud of that sort of thing. Since the termination of her education, she is now back on the reservation and is married. My neighbor goes down on the reservation periodically and looks her up to see how she is getting along, if there is any assistance to be had. They carry pictures of her and her family now and various things.

It has been a warm relationship. For example, she went back because her father was in ill health. Her mother was not in too good shape also. But, as a result of the training she got in that home, she has been almost like a foster mother to her own brothers and sisters to aid them in development and encouragement in their education.

So, I just leave that little story about some of the successes that they have had in that regard in trying to assist them and their own cultures.

Senator HATFIELD. Excuse me, Congressman. I want to welcome Chairman ABOUREZK back into the room.

Congressman MCKAY. Very good.

I would like to introduce at this point, Mr. Chairman, Elder George Lee, who is a full-blood Navajo and also in the hierarchy of the LDS Church. He has been a subject of an Indian child placement program himself. So, he is fully aware.

He was educated in the public schools and State universities. He received a doctorate from Brigham Young University. He will describe a particular placement program and outline his concerns on how the bill being considered by the committee may impact on that program.

With him is Dr. Harold Brown, who will follow Elder Lee in his statement. Dr. Brown has supervisory responsibility for thousands of Indian child placements in the same program. As a professional placement worker, he will describe his perception of the proposed legislation.

Accompanying them is Mr. Robert Barker, who is legal counsel for the church in that regard.

Mr. Chairman, I appreciate your indulgence and would hope that the committee would give very urgent consideration to their recommendations. I think you will find that they applaud the things that you are trying to reach and to solve. I think we are generally in accord as far as direction.

Thank you very much.

Chairman ABOUREZK. Thank you very much.

I want to express my thanks to Congressman McKay, an old colleague of mine from the House, for coming over and expressing the interest he has.

I guess this group here pretty much has your congressional delegation whipped into line. Gunn has been over personally to see me about this question; he came over to introduce you. Senator Hatch called me this morning and berated me over the telephone that, if I didn't treat you with great deference as witnesses this morning, he was going to do something nasty to me.

So, I just want you to know that your congressional delegation is in full support of your objectives.

We are pleased to have you here. I welcome you to the committee.

STATEMENT OF GEORGE LEE, MEMBER OF THE FIRST COUNCIL OF SEVENTY, CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS

Mr. LEE. Senator Abourezk, I am very honored. It is a pleasure to be here to offer this testimony.

I would like to read my prepared testimony. I feel it is very important that I do so. If I do not, it will be an injustice to the Indian people and the LDS placement program and to myself.

Chairman ABOUREZK. I just might say, Mr. Lee, that the practice that we have undertaken in this committee since we established the committee is that we ask people to submit statements of whatever length into the record and that they highlight their testimony. I am not going to say that you cannot read it, but you can read it if you want to. Let me say it that way.

I would prefer that you just tell me what you think is important in it and then submit the entire statement for the hearing record. You can read it all if you would like. I am just telling you what my preference is.

Mr. LEE. For the sake of time, I will just highlight my statement.

Chairman ABOUREZK. Thank you.

Mr. LEE. I am a full-blooded Navajo from the Navajo Reservation. I have been on the Indian placement program sponsored by the Church of Jesus Christ of Latter-Day Saints for 9 years. I went on the placement program when I was 10 years of age. I stayed with a Mormon, white, Anglo family in Utah for that length of time.

I just want to say here that, in my estimation, the LDS placement program is the most progressive, the most successful program of any

child placement program that I know of. I have so much confidence in this program that I doubt if any other organization in the world can ever develop a similar program, because of what it is doing for my people and other Indian tribes throughout the country.

I have here some statements from various Indian tribes throughout the country that support this program. I would like to, if I may, share a few statements from these various tribes throughout the country.

Also, I have letters from parents and students of the placement program. I would like to submit these statements, if I can, and leave them with you.

Chairman ABOUREZK. They will be admitted into the record.

Mr. LEE. I have here a statement from the Cheyenne Tribe, the Northern Cheyenne Tribe. Here is what Mr. Joe Bear says:

For the past several years, I have had five of my children on the LDS placement program. It has helped my children to grow and develop and understand the outside world which they could not have found on the reservation. This has been a very good experience for both the children and the family because they have been exposed to both cultures and have come back and shared things with us. They have a better educational opportunity on the placement program than on the reservation. Our children learn how things work in the outside world which has helped them grow up and mature.

That is the Northern Cheyenne Tribe.

This next one is from a Pueblo Tribe tribal judge and his wife:

We have had two children of our own as well as grandchildren on the placement program. We feel that they are well educated by being out of the reservation. They not only get a good educational background, but also get good religious training. The education they receive on the reservation is fair, but the education they receive off the reservation is far greater.

Here is another statement from an Indian parent:

Six of my children went on placement and two graduated. I am so very thankful for this program which has helped my children to achieve in this world. The placement program has helped my children to understand the difference between two cultures, and has given them greater understanding of important truths. These truths will help them to have stronger families and will provide the foundation for a greater growth among our people.

Here is a student participant on the Indian placement program:

Being placed in an Anglo home brings a sense of unity between the two races instead of the hatred often the two have between one another. I learned to appreciate all that they have done for the Indian people. Therefore, we Indian students learn to love our fellowman, whereas, being on the reservation we develop a sense of prejudiceness because we are not exposed to the modern world. It is the best program because the family plays a very important role; it's like a "family away from home." No other school can offer us this important family way of life while getting an education away from home.

Another statement by a tribe, the Paiute Tribe:

I am chief of the Kanosh Band of Paiute Indians at Kanosh, Utah, and I am sad about bill 1214, which will hurt our Indian people. I am not a member of the Latter-Day Saints Church, but I know the good the LDS placement program does for our Indian people. I would like to request that this bill be amended so we can have the LDS program and give the Indian parents the right to decide where their children go.

Another tribe:

We are part of most of the Caddo Indian Tribe of Oklahoma, and we are not against the bill 1214; but we believe the parents and children, if old enough to choose how they want to attain their education and not the court or tribe.

The LDS Placement Program is wonderful as we know of several who completed their senior year in school then went on to college and are still going to college.

Then, another Indian tribe in the Midwest:

We believe it should be amended to protect such licensed agencies as the LDS Church Placement Program. We are very favorable of this program because it has helped many of our children. We appreciate the education and opportunities that our children have enjoyed through the LDS Placement Program. We very much want it to continue so that we have an opportunity to choose additional help for our little ones when we feel there is a need.

These are just some of the statements written by Indian tribes throughout the country, from parents, and Indian students.

I have here with me about 300 to 400 names, petitions, and also letters from tribes, placement students, and parents. There is a total of 600 to 700 names. They do not oppose the bill. They just want to protect the Indian placement program sponsored by the Church of Jesus Christ of Latter-day Saints.

This program is just a temporary placement. It is not a permanent placement. It is an educational program.

Chairman ABOUREZK. Mr. Lee, in this placement program, is it done with the total consent of the parents of the children?

Mr. LEE. Yes. It is at the request of the parents and the consent of the parents.

Chairman ABOUREZK. Is it your reading of the legislation that we are considering today that the legislation, if passed, would prevent the parents from putting their children anywhere they want to?

Mr. LEE. I did not understand your question, sir.

Senator ABOUREZK. Would this legislation, if passed, prevent Indian parents from placing their children in LDS homes, for example?

Mr. LEE. Well, not prevent; but it will make it difficult, if not impossible.

Chairman ABOUREZK. In what way?

Mr. LEE. Well, they have to go through a lot of policies and red-tape, courts, procedures. It will take time to place these children.

We would like to suggest that an amendment be adopted that was previously communicated to you, Senator Abourezk. This amendment would extend the child placement definition in a way that would preserve the placement program without affecting other provisions of the bill.

The amendment would change section 4 on page 5 of the bill by deleting the period on line 9 and inserting the following statement:

Provided that temporary residence for a period of less than one year at a time by a child in the home of another family without charge for educational, spiritual, cultural or social opportunities for the child, and with terminable written consent of its parents or guardian, shall not be considered a placement and shall not be restricted by this Act.

One of the rights that Indian families value most is self-determination. The proposed amendment would protect this important right without interfering with the functions of the tribe.

Hundreds of my people have benefited from the Indian placement program. We encourage you to preserve our right to self-determination through amending Senate bill 1214.

We are not opposed to the comments and viewpoints expressed this morning. We are not opposed to the provisions of the bill. We just

offer this amendment to protect the Indian placement program of the LDS Church.

Chairman ABOUREZK. I want to make this one comment. I read that section on page 5, section (g), as meaning that any proceedings would mean some sort of a legal proceeding and not just a voluntary placement done by the parent, not going through a tribal court or any other kind of court. However, I can see your desire to clear that up.

Mr. LEE. Yes.

Chairman ABOUREZK. We have not taken any testimony on this issue, at least while I have been here. But I would like to get some additional comment from the Indian people themselves just to see what they think about this. I have not heard any adverse comment about your program, but I think we ought to open it up and see if there is anybody who might be opposed to that.

I can see your point where this could be interpreted either way. But, to me, it is fairly clear that it does not affect the LDS placement program. But I can understand why you might want to make sure it does not.

Mr. LEE. My colleague here, Mr. Brown, is in charge of that program. He would like to say a few words.

Chairman ABOUREZK. Please do.

Before we hear from Mr. Brown, Mr. Lee's material will be inserted in the record.

[Material follows:]

Statement

of

Elder George P. Lee

Member of the First Council of Seventy
of The Church of Jesus Christ of Latter-Day Saints (Mormon)
(Former President of the College of Ganado, at Ganado, Arizona)

Before the
Select Committee on Indian Affairs

United States Senate on S. 1214

August 4, 1977

I am a Navajo Indian. I came from the reservation. My family was poor. There were few opportunities at home.

Now, I have a doctor's degree. I have been president of a college. I have worked in Washington, D.C., to help my people. I hold one of the highest positions among the governing councils of my church.

It is no mere coincidence that I have been able to rise to a position where I can truly help my people.

I was the first member of my family to participate in the Indian Student Placement Service sponsored by the Church of Jesus Christ of Latter-day Saints (Mormon). When I was 11 years old, my parents and I decided that participation would increase my chances for success in life. The following nine school

Years were spent in the Glen Harker home in Orem, Utah. While there I completed elementary school, was graduated from high school, and went to nearby Brigham Young University at Provo where I received a Bachelor's Degree in 1968.

The Indian Student Placement Service has been beneficial to me in many ways.

Placement did not rob me of my culture, as a few critics seem to fear. Instead, I gained a true perspective of myself--a true sense of identity. I learned that I could be proud of my heritage and rise above problems that have kept my people from progressing. One of my greatest discoveries was that the gap separating Indians from Whites could be bridged and that I could compete, excel, and be accepted in a white community while retaining my uniqueness and identity as an Indian.

Through placement, the uncertainty of the past was replaced with purpose, direction, and spiritual strength. I gained a tremendous desire and determination to succeed. I began to set goals for myself. My parents had struggled all of their lives. I wanted to be able to help them. I wanted to come back prepared to help my people as well. This was always in the back of my mind. This desire motivated me to continue my education at Utah State University, at Logan, Utah, where I received a Masters Degree, and at Brigham Young University, where I received a Doctorate in education.

After receiving my first degree at BYU in 1968, I began pursuing a career consistent with the desire to help my people. My first job was teaching school (kindergarten through eighth grade) at Rough Rock Boarding School in Arizona. Rough Rock was the first all-Indian controlled school in the nation at the time.)

George L.

The following year I helped set up an Indian studies program and counseling service for Indians at Utah State University. Through these efforts, enrollment of Indian students increased from five to sixty.

In 1970 I went to Washington, D.C., as a program specialist for the U.S. Office of Education. The U.S. Department of Health, Education, and Welfare offered me a fellowship to be trained in federal programs to assist colleges, universities, Indian tribes and State Department of education, throughout the nation. In this capacity I traveled across the country helping these organizations and groups in writing proposals to obtain federal funds for their special needs.

In 1972 I accepted the position of Executive Vice President and Dean of Students at the College of Ganado on the Navajo Indian Reservation at Ganado, Arizona. A short time later, I became president of that institution.

In July of 1975, I was assigned by the LDS Church to preside over the Arizona Holbrook Mission. In this position, I supervise approximately 250 Indian and Anglo missionaries who work among Indian and white communities in the 4 corners area - New Mexico, Arizona, Utah and Colorado. In October of the same year, I was also sustained as a member of the First Quorum of Seventy, one of the highest governing positions in the Church. With these added Church responsibilities, I have continued to serve my people as well as all people in general.

For the accomplishments of the past and for the efforts I will continue to make in behalf of the Indian people, I am indebted to the Indian Student Placement Service. It is because of this program, that I received the

Direction and the will to achieve.

As a former placement student and as a Church leader who has recommended this program for many others, I know of the care and professionalism of those who administer this service. Staff members are highly trained social workers who are sensitive to the needs of Indian people. The Placement Service, itself, grew out of the requests of Indian families for educational, social, and leadership opportunities that were lacking on the reservation.

Indian families use this service on a voluntary basis, when needed. Children are placed under a voluntary agreement that can be terminated at any time by parents, students, or LDS Social Services. There is no force or coercion to participate.

Children live in homes of selected LDS Church members during the school year. The strengths derived from placement are taken with them when they return to their natural homes. Students often go on placement to gain skills to help their own families and tribal members. Foster parents are instructed to help participants grow in their ability and desire to help their own people. Foster families take our children into their homes on a voluntary basis, without pay. They participate out of love and a desire to help our people.

I have with me a number of significant statements by tribal leaders, parents, present and former placement participants, and many other individuals who have seen the benefits of the placement program. While I am only going to read a few of their comments, I wish to submit all of the statements with my written report. I would encourage the Committee members to become familiar with them.

(SELECTED PORTIONS)

"Six of my children went on placement and two graduated. I am so very thankful for this program which has helped my children to achieve in this world. The placement program has helped my children to understand the difference between two cultures, and has given them greater understanding of important truths. These truths will help them to have stronger families and will provide the foundation for a greater growth among our people."

Rachel Thompson, parent
Sheep Springs Trading Post
Tohatchi, New Mexico

"Being placed in an Anglo home brings a sense of unity between the two races instead of the hatred often the two have between one another. I learned to appreciate all that they have done for the Indian people. Therefore, we Indian students learn to love our fellow man, whereas, being on the reservation we develop a sense of "prejudiceness" because we are not exposed to the modern world. It is the best program because the family plays a very important role - it's like a "family away from home". No other school can offer us this important family way of life while getting an education away from home."

Greta Benally, student
Box 326
Chinle, Arizona 86503

For the past several years, I have had five of my children on the LDS Placement Program. It has helped my children to grow and develop and understand the outside world which they could not have found on the reservation. This has been a very good experience for both the children and the family because they have been exposed to both cultures and have come back and shared things with us. They have a better educational opportunity on the Placement program than on the reservation. Our children learn how things work in the outside world which has helped them grow up and mature."

Joe Bear
Tribal Councilman
Northern Cheyenne Tribe

"We have had two children of our own as well as grand children on the Placement Program. We feel that they are well educated by being out of the reservation. They not only get a good educational background, but also get good religious training. The education they receive on the reservation is fair, but the education they receive off the reservation is far greater!"

Mr & Mrs. J. G. Naranjo
Isabel Naranjo
Tribal Judge

George Lee - Page 6

"As the leader of the Paiute Indians in this area I would like to write concerning Bill #1214. I am concerned that one of the fine programs that have helped our Indian people would be in jeopardy, namely the LDS Placement Program.

We feel that this program has been very beneficial to our young people and has made possible excellent training and development and does not hinder their Indian identity.

...we would like to recommend that consideration be given to amend the bill to protect programs such as the LDS Placement program that is giving assistance to the Indian people."

Yetta Jake
Clifford Jake
Grant Pete
United Paiute Tribes

"As Leader of the Koosharem Piutes I am concerned about your Senate Bill #1214.

We believe it should be amended to protect such licensed agencies as the LDS Church Placement Program. We are very favorable to this program because it has helped many of our children. We appreciate the education and opportunities that our children have enjoyed through the LDS Placement Program. We very much want it to continue so that we have an opportunity to choose additional help for our little ones when we feel there is a need."

Ardean Charles
Chief of Koosharem Band Piutes

"I am chief of the Kanosh band of Piute Indians at Kanosh, Utah, and I am sad about bill #1214, which will hurt our Indian people. I am not a member of the Latter Day Saint Church but I know the good the LDS Placement program does for our Indian people. I would like to request that this bill be amended so we can have the LDS program and give the Indian parents the right to decide where their children go."

Earl Phyou
Chief of Kanosh Band Piutes

"We are part of most of the Caddo Indian Tribe of Oklahoma are not against the Bill 3777 but we believe the parents and children if old enough to choose how they want to attain their education and not the court or tribe.

The LDS Placement program is wonderful as we know of several who completed their senior year in school then to college who are still going up.

Melvin Layham
Caddo Hearing Board

George Lee - Page 7

I know from my own experience that the Indian Student Placement Service is beneficial. It has helped many of my people. In discussions with tribal members and leaders, I have received numerous reports on its value to the Indian community.

Many Indian people join with me in strongly urging that Senate Bill 1214 be amended to protect the Indian Student Placement Service. We suggest that the amendment be adopted that was previously communicated to the Committee Chairman, Senator Abourezk. This amendment would extend the child placement definition in a way that would preserve the placement program without affecting other provisions of the bill. The amendment would change Section 4 on page 5 of the bill by deleting the period on line 9 and inserting the following statement:

"; provided that temporary residence for a period of less than one year at a time by a child in the home of another family without charge for educational, spiritual, cultural or social opportunities for the child, and with terminable written consent of its parents or guardian, shall not be considered a placement and shall not be restricted by this Act."

One of the rights that Indian families value most is self determination. The proposed amendment would protect this important right without interfering with the functions of the tribe.

Hundreds of Indian people who have benefited from the Indian Student Placement Service share in this request. We encourage you to preserve our right to self determination through amending Senate Bill 1214.

Thank you.

STATEMENT OF HAROLD C. BROWN, COMMISSIONER OF LDS SOCIAL SERVICES/DIRECTOR OF PERSONAL WELFARE SERVICES, CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, ACCOMPANIED BY ROBERT BARKER, COUNSEL

Mr. BROWN. Senator Abourezk, I will keep my comments brief and summarize the statement that I have prepared.

I would like to emphasize what Mr. Lee has said. We do not oppose the bill; that is not our purpose in being here today.

We want to be sure that the LDS placement program is protected.

I would like to summarize the following three or four points and then read a statement by Ms. Nora Begay, Miss Indian American of 1972, who requested that I read her brief statement.

First of all, I would like to emphasize the fact that the program is for LDS members only. It is not a program available for Indian children who are not members of the LDS Church. It is requested by the parents of LDS children. Before a child can go, it must be requested by his parents. That parent must give written consent. Part of that written consent is also that they can terminate that contract upon their request. Anytime a child who is participating in that program wishes to terminate, he can do so. Each year there are a number who request that, and they are freely, voluntarily returned to the reservations with that request.

I would like to say that the students receive professional casework and competent assistance. They are visited in their homes at least monthly by professional caseworkers who visit with the foster parents and the students. There are also caseworkers on the reservations who visit regularly the natural parents.

The caseworkers who visit the Indian students go to the reservation at least three times a year and visit with the natural parents. They report on the progress, the status of their children, and take back comments and concerns to make sure that the placement continues in a professional and acceptable way to the Indian parents.

May I just now read the brief statement offered by Miss Nora Begay, Miss Indian American of 1972:

I am a Navajo Indian from Kaibeto, Ariz., and have had the opportunity to participate for 8 years in the LDS Indian Placement Program.

For many years my Indian people have had dreams of having success and opportunities that all Americans have in this country. These dreams, I feel, can only be reached through a good education.

When I was a little girl, I was raised by my grandmother near Kaibeto, Ariz. My grandmother was determined that someday I would need to learn the tools of the non-Indians if I was ever to work effectively for my people. She always tried to remind me that I should never forget my Navajo heritage, my home and her teachings.

Later in life I was sent to various federally funded schools on the reservation, but my parents and grandmother worried that I would not be able to get the kind of education that it would take to go on to college.

After learning of the LDS Program, I was placed in the home of Mr. and Mrs. Leo Turner in American Fork, Utah. There were adjustments to be made, but the doors of communication and friendship were opened. I learned many things about myself and the non-Indians. My foster parents were patient, kind and willing to have me take my own time in learning new concepts and a different way of life. They also were interested in learning about me and my ways.

Participating in the placement program was something that was not forced upon my family or myself. I went on the program with the dream of making my

grandmother and parents happy and proud of me. I can truly say that I fulfilled most of my grandmother's hopes. Since graduation from Brigham Young University (BYU) with a degree in communications, I have worked for the Navajo Tribe in a public relations program that I hope will help many of my Navajo people in securing land for their families and their future.

I want you to know that it was the LDS Placement Program that helped make my dreams come true.

Please help keep this program alive. Indian children need some place to turn for the opportunities that are sometimes lacking on the reservation.

I may also mention that Miss Christine Harvey, who is the present Miss Indian American, requested to testify. She indicated her desire to be here. She also participated in the placement program and wanted us to convey that.

So in summary, may I again say that we are anxious to let you know that we support the intent of the bill. We are not opposed to that. We just want to protect the rights of parents who want their children to have that opportunity to request it.

I might mention that we do presently have approximately 2,700 Indian children in the program. They are all LDS children, and nearly all of their parents are as well.

Mr. LEE. If I may, Senator, I would like to offer these letters and statements from tribes, parents, and students.

Chairman ABOUREZK. The letters will be accepted in the record. The petition, which just has signatures on it, will be admitted to the file of the record; that means it will not be reprinted in the hearing record, but it will be in the file. But the letters will be reprinted.

[Material appears in appendix.]

Mr. LEE. I would like to say in conclusion, Senator, that, as a product of this program, it has helped my family. It has helped me. It has helped my father and mother. It has helped my father overcome his alcohol problem. It has helped my brothers and sisters to achieve in life. It has helped me.

I learned a lot of things in that foster home. The foster families take these Indian kids as their own sons and daughters, and they love them. They feed them and clothe them. They do not get paid for taking all these Indian kids into their home. These foster families are unpaid for their services in helping these Indian students. It is all voluntary.

They love to do it. In fact, they want more Indian kids on the program. It is done with the consent of Indian parents.

My foster family has certainly taught me to appreciate my own heritage and also to have love for my parents and my tribal background.

Chairman ABOUREZK. Is there a certain age requirement for this program?

Mr. LEE. Yes.

Chairman ABOUREZK. What is it?

Mr. LEE. It is 8 through 18; anyone over 8 and baptized as a member of the Church of Jesus Christ of Latter-Day Saints, up to 18 years of age.

Chairman ABOUREZK. And after 18 they cannot take part, nor before they are 8 years old; is that correct?

Mr. LEE. That is correct.

Chairman ABOUREZK. Is the LDS Church required to provide certain information to State governments with regard to this program before you can bring children across a State line?

Mr. BROWN. We, as an LDS social services system, are licensed in the individual States in which we reside by the licensing agencies. We, therefore, comply with all the requirements of the interstate compact, and any other State, Federal, or local laws which are required to comply with.

Senator ABOUREZK. Which means that you provide information concerning the child and the address of the home and so on.

Mr. BROWN. That is correct.

Chairman ABOUREZK. Do you provide that, by any chance, to the tribal governments from which these children come?

Mr. BROWN. It has been our policy, Senator, to supply that to any tribe who makes a bona fide request. It has been our policy, and we plan to continue with it.

Chairman ABOUREZK. Would you have any objection to just routinely providing the tribe? If a child comes out of the Navajo Tribe, for example, would you have any objection to just routinely offering that information to the tribe? Just a photocopy or whatever you send to the State.

Mr. BROWN. I think, Senator, we have some difficulties in doing that. Some of the challenges we find is that some of the tribes are very scattered. Some of the minor tribes are very scattered. With some of the larger tribes it would not be a challenge.

Some do not have effective tribal councils; they would not know what to do with the information if it came. Some small bands may not be well organized, and we find some difficulty—

Chairman ABOUREZK. Excuse me.

I want to ask the audience to please try to keep order. We are trying to weed this thing out. I would be very grateful if the audience would not demonstrate at something they either agree with or disagree with. Please proceed.

Mr. BROWN. Thank you, Senator. I appreciate that.

We do have a number of urban Indians at large metropolitan centers. I do not know where we would send that kind of information. It would be somewhat difficult. We find some challenges with this.

We also are somewhat concerned that any request be a bona fide request, one which will be used properly. I do not think we would be concerned about the information being in the hands of professional people or the tribe that would understand its use.

However, we would be concerned if it was used as a mailing list. If you have ever been on an inappropriate mailing list, you receive all kinds of information and improper requests. We would want to protect our parents from that. We feel that they have a right to privacy and confidentiality.

We would like to, as we have done in the past, provide those lists. However, we feel it would only be upon a bona fide request from that tribe that we would be willing to do it.

Chairman ABOUREZK. If, for example, the requirement would be that you furnish information to the tribe to which the child belongs, if it were an existing tribal government—I understand the difficulty in an urban Indian family in finding the tribal government—but if the

child did live on a reservation and that reservation had a tribal government, or whatever land entity that might be, if that had a tribal government, would you object to that kind of a routine requirement that you just furnish whatever information you furnish to the States to the tribe?

Mr. BROWN. I think, Senator, we would have no objection. However, we would like to discuss that with the tribal entities to be assured again of the confidentiality and the privacy of the Indian children.

Chairman ABOUREZK. I think that is only fair in that case. I think that, if there is such a requirement—and I am not saying there would be—I think that ought to be included: that confidentiality be protected.

Mr. BROWN. I have been reminded by our counsel that, upon occasion, we do have difficulty also with a family who might be multiple tribe in nature. The parents might be from separate tribes. The child, therefore, would be part from one tribe and part from another. That is something that would have to be worked out. It does present another difficulty.

Chairman ABOUREZK. It is another point to take into consideration. For example, if the father is Navajo and the mother is not, it would seem logical to deal with the tribe from the reservation that the child comes from. Wouldn't that be logical?

Mr. BROWN. I suppose we would have to give some thought to that, Senator.

Chairman ABOUREZK. But those are good points that you raise.

Mr. LEE. May I comment again?

Chairman ABOUREZK. Yes.

Mr. LEE. When I went on this program, of course, my parents were very poor. They could not afford us any clothes. So, all I had on was a torn T-shirt, Levis with holes, and no shoes. They gave me a soup-bowl haircut, put me on the bus, and away I went. From then on, my foster family picked me up, sent me through high school, sent me through college, paid for my college expenses. This is just typical of the foster parents that do this for Indian kids that go through their home.

Some critics have said that this program takes away the Indian child's Indianness or culture. But I find that it is not so. If anything, it enhanced who I am and what my responsibilities are to myself, to my family, to my tribe, to my country.

Also, my natural parents, I just love them dearly; and my foster parents are my second family. It is a family away from home. I still consider them my own family. Everytime I go to their home, I am accepted as one of their sons.

Chairman ABOUREZK. The program lasts for 1 year?

Mr. LEE. It lasts for 9 months during the school year. Then the students return to the reservation during the summer months. Then they go again in the fall when school starts.

Chairman ABOUREZK. What year did you go through the program, Mr. Lee?

Mr. LEE. I started in 1954, through 1962.

Senator ABOUREZK. You went back to the same family for a number of years.

Mr. LEE. Yes; I lived with the same family. I stayed with that same family through the 9 years.

Chairman ABOUREZK. I think those are all the questions we have.

We certainly appreciate your appearance and your testimony here today. We are glad that you brought up the points that you did.

Thank you very much.

Mr. LEE. Thank you, Senator.

Chairman ABOUREZK. The final witness is Mr. Don Reeves, legislative director for the Friends Committee on National Legislation.

Before we hear from him, I note that Mr. Brown's entire statement will be inserted in the record.

[The prepared statement of Mr. Brown follows:]

Statement
of
Harold C. Brown

Commissioner of LDS Social Services/Director of Personal Welfare Services
of The Church of Jesus Christ of Latter-Day Saints (Mormon)

Before the
Select Committee on Indian Affairs

United States Senate on S. 1214

August 4, 1977

Because of limited opportunities on reservations, many Indian people have requested help. Responding to their requests, The Church of Jesus Christ of Latter-day Saints (referred to as LDS, or Mormon) has provided the Indian Student Placement Service. Through this program, LDS Indian children, ages eight to 18, may be placed each school year for educational, cultural, social, spiritual, and leadership opportunities.

Placement is usually recommended to LDS Indian families by their ecclesiastical leaders--bishops and branch presidents--who are mostly Indians.

The decision to use this resource rests with the family. Children are placed under a voluntary agreement that can be terminated at any time. Students return to their natural homes each summer with no requirement to

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return in subsequent years. To repeat: The decision to continue on the program rests with each Indian family.

Supervising the program is LDS Social Services, a non-profit corporation staffed by licensed professional caseworkers who are trained in the behavioral sciences.

Before participating, LDS Social Services requires that a student: (1) be a member of the LDS Church; (2) submit an application; (3) desire placement and have the support of his parents, and, (4) be interviewed and recommended by his ecclesiastical leader and a caseworker.

Social workers screen each student to determine motivation, maturity, and the ability to adjust in a different home and community. Students who meet the requirements are accepted.

Participants are placed with carefully prepared and selected Latter-day Saint families who volunteer their time and resources. There are no paid foster families. Foster parents accept the responsibility of normal expenses including medical, dental, clothing and other living costs. Children remain for the school year, benefitting from a variety of educational, cultural, and other opportunities.

Agency caseworkers visit each foster home at least monthly. Students are brought together for group meetings, social activities, and youth conferences. During cultural events, children enjoy singing, dancing, and sharing their Indian heritage.

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LDS Social Services conducts orientation meetings to strengthen foster parents in understanding and responding to cultural characteristics and needs of Indian children. Foster parents work closely with natural parents by: (1) inviting them to visit their homes; (2) visiting natural parents during summer months; (3) writing regularly to report the child's progress; (4) sending pictures, tape recordings, progress reports and other information. Foster families become partners with the natural families to give the best to Indian youth.

Caseworkers who supervise the foster parents and children visit natural parents three times each year to respond to their needs and to report on every child. Other caseworkers live on the reservations and work closely with natural parents to coordinate placement activities.

A primary objective of placement is to teach Indian youth skills so they can return to the reservation and help their own people. Participants are encouraged to continue their education after placement; to strengthen themselves and become prepared to offer that assistance.

An outcome is that children bridge the gap between Indian and anglo cultures. They successfully compete and excel in both worlds.

Studies document the program's success.

In 1960, Clarence R. Bishop, graduate student at University of Utah, found participants successful in competing academically with anglos. ¹

¹ Clarence R. Bishop, Thesis: An Evaluation of the Scholastic Achievement of Selected Indian Students Attending Elementary Public Schools of Utah (Provo, Utah, 1960), pp. 75-76

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In a 1973 study of Piute youth, Donald R. Lankford, and others, students at University of Utah, found LDS Placement children with a higher grade point average and better self-image than others in foster care programs studied. He attributed this to the quality of foster homes and the care given the children. ²

During 1971-74 and 1976, Dale Shumway, LDS Social Services caseworker, studied 150 Indian students on placement in Southern Utah. He found their average grade point to be 2.64, almost a B-, which is the equivalent of the general school population.

In late 1976, without the knowledge of LDS Social Services, the Interstate Compact Secretariat in Washington, D. C., commissioned Robert E. Leach, Compact Administrator in Pierre, South Dakota, to study the attitudes of Indian parents toward the placement program. Questionnaires were sent to fifty Indian families. Of the 60% who responded, Mr. Leach shared this conclusion:

" . . . I feel very confident that we had a good response from those families. As you can see, the questionnaire was very straightforward and you can also see that the comments are by and large very positive."

The results of key items on the questionnaire follow:

- Ninety-three percent of the parents responded to a question on whether participation was forced. All said that they and

² Donald R. Lankford, et al., Thesis: Paiute Indian Youth (Salt Lake City, Utah, 1973), pp. 55-56

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their children participated of their own free will.

- Eighty-seven percent of the respondents said their children were happy with their foster families. Ten percent did not respond to that particular question.
- Ninety-three percent of the parents responded to a question on education. All said their children received a better education as a result of placement.
- Seventy percent felt placement was helping their children identify with their heritage. Twenty percent did not respond to that question.

Other questions were answered with the same positive response.

In summary, the Indian Student Placement Service is a viable program which, upon request, helps meet the needs of some Indian families. The worth of the program is not only substantiated by studies, but by hundreds of testimonies offered by those who have seen its benefits. I would like to share one of these testimonies with you. It is from Nora Begay, Miss Indian America of 1972. Miss Begay called and asked if she could testify at these hearings. When we indicated that our time was limited, she asked us to read this statement in her behalf:

"I am a Navajo Indian from Kaibeto, Arizona, and have had the opportunity to participate for 8 years in the LDS Indian Placement Program.

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"For many years my Indian people have had dreams of having success and opportunities that all Americans have in this country. These dreams, I feel, can only be reached through a good education.

"When I was a little girl, I was raised by my Grandmother near Kaibeto, Arizona. My Grandmother was determined that someday I would need to learn the tools of the non-Indians if I was ever to work effectively for my people. She always tried to remind me that I should never forget my Navajo heritage, my home and her teachings.

"Later in life I was sent to various federally funded schools on the reservation, but my parents and Grandmother worried that I would not be able to get the kind of education that it would take to go on to college.

"After learning of the LDS Program, I was placed in the home of Mr. and Mrs. Leo Turner in American Fork, Utah. There were adjustments to be made, but the doors of communication and friendship were opened. I learned many things about myself and the non-Indians. My foster parents were patient, kind and willing to have me take my own time in learning new concepts and a different way of life. They also were interested in learning about me and my ways.

"Participating in the placement program was something that was not forced upon my family or myself. I went on the program with the dream of making my Grandmother and parents happy and proud of me. I can truly say that I fulfilled most of my Grandmother's hopes. Since graduation from BYU with a degree in communications, I have worked for the Navajo Tribe in a public relations program that I hope will help many of my

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Navajo people in securing land for their families and their future.

"I want you to know that it was the LDS Placement Program that helped make my dreams come true.

"Please help keep this program alive. Indian children need some place to turn for the opportunities that are sometimes lacking on the reservation."

(I would also like to mention that Miss Christine Harvey, who last Sunday helped crown her replacement as Miss Indian America, also participated on the program and desired to be here to testify)

LDS Social Services has long been aware of feelings such as those expressed by Nora Begay, Elder Lee, and the many other tribal members who have seen the important role Indian Student Placement Service has played in meeting needs of Indian children.

Indian parents carefully consider the best interests of children before using the Placement Service. There is none more qualified in making family decisions than the family itself. In reading Senate Bill 1214, we have been concerned that although the intent of the bill is not to destroy the self-determination of Indian families, it would seriously limit or impede their choice in being able to voluntarily place their children for educational, spiritual or other opportunities. We feel it would be tragic if Indian families could not easily choose a placement setting for these advantages.

We therefore urge you to adopt the Amendment to Senate Bill 1214 that Elder Lee has submitted and referred to in his testimony.

The Indian Student Placement Service has provided a valuable resource to hundreds of Indian families, as testimony has already documented. We encourage you to exempt this service from the provisions of this bill by adopting the proposed amendment.

Thank you.

**STATEMENT OF DON AND BARBARA REEVES, FRIENDS COMMITTEE
ON NATIONAL LEGISLATION, ACCOMPANIED BY PHIL SHENK**

Mr. REEVES. Thank you, Mr. Chairman.

I would like to introduce myself and Barbara together as Quaker parents from Nebraska. Probably the reason we are here in that context is that we are the adoptive parents of three children of Indian extraction, in addition to two children we hatched in the more conventional fashion.

I am clerk of the Nebraska Yearly Meeting of Friends. I am now on the Washington staff of the Friends Committee on National Legislation. Barbara has a background and training in home economics and child development and, more recently, qualified as a registered nurse.

We are accompanied here today by Phil Shenk, who is an associate on the FCNL staff.

We have a brief statement, copies of which are available. I will highlight from that briefly, and then expect that it may lead into some questions.

I think that, if we have learned anything out of 20 years of parenting, the No. 1 lesson would be the extreme importance of an early, stable, loving relationship in the development of children. I emphasize all three words: Early, from the very beginning; the stability of it; and the loving relationship.

I think our observations would be that the importance of that relationship is almost independent of any cultural or extra-family kind of circumstances. From the beginning, the family relationship is terribly important.

Anything which disturbs that family relationship can be traumatic—I do not think that is too strong a word—for the youngsters involved.

As regards temporary kinds of circumstances which might disrupt that relationship, we are very pleased at the strong emphasis in S. 1214 on the family services kinds of things which might help tide families over short-range types of problems and make it possible for this family relationship to be kept intact.

We do not see any necessary conflict between this strong emphasis on the individual personal relationship between a youngster and his parents and the cultural or community circumstances in which they live. In fact, in most circumstances, we would think of the community, the cultural or the tribal ties, as being supportive of this very important family relationship.

In some circumstances where it certainly is not possible for a family to take care of their own children, then we think it would be most appropriate for the people closest to the family—the extended family, the community, or the tribal arrangement, whatever that may be—to be the primary party involved in the decisions regarding the welfare of that child.

This whole complex area of the family relationship and the family in a community ought to have very high consideration when compared to somewhat loftier kinds of criteria which probably have been

adopted by the white community and are the basis on which most Indian child placements have been made over the last 100 years or so.

I think that a general observation can be made about Federal Indian policies. They have vacillated. Generally, they have looked toward the assimilation of Indians into the larger community. For a considerable period of time, they have been very explicitly directed at breaking down and overcoming traditional Indian values and systems.

Much of what can be termed, in a narrow sense, as the causes of instability in a home or of a judgment that families cannot take care of their children are a result, direct or indirect, of Federal policies that are aimed at breaking down the Indian traditions and values.

I think we make that observation based on what little we know about the original families of the youngsters that we adopted. You cannot say that the Federal Government and its policies were the direct cause of their not being able to take care of these youngsters; but, indirectly, it is fairly easy to trace those links.

So, we welcome S. 1214 on two points.

First is the renewed sense of capability and desire of Indian communities to strengthen the family and to deal with the child placement problems within their own traditions and value systems. Likewise, we are encouraged by the initiative shown by Congress in considering this measure.

I think the final comment as part of our testimony has to do with the financing section of the bill. We concur with the intent of the bill. We do offer some minor kinds of comments in our written testimony; we suggest some minor change.

Even if the bill is passed, it does not make much sense unless there is adequate financing. Without having all that much background to talk about specific numbers, we would raise a question about whether the amounts mentioned in the body of the bill are adequate to reinforce the families and to do everything possible to keep these families intact.

The substance of what we want to say is this. We would call for early passage of S. 1214, at least in its major substance, coupled with full and adequate financing in subsequent years.

I think maybe we would want to respond very briefly to parts of the testimony offered by the Bureau of Indian Affairs, particularly as regards placement of youngsters in boarding school situations.

It sounds suspiciously to us like a continuation of existing policies. We see some of the problems that we have dealt with as an individual family growing out of those policies. So, we would raise real questions about anything that sounds like, "Keep on doing what we're already doing," because it obviously has not been working.

Finally, we would like to request your permission to read part of a resolution authored by the National Congress of American Indians. I think probably it has already been submitted for the record. It has been their request, which we concur with, that we would like to have it as part of the oral testimony of this hearing.

Chairman ABOUREZK. Please do.

Mr. SHENK. "Whereas the interstate placement of Indian children out of their own homes and into the homes of others, especially non-Indians, whether for foster care, adoptive, educational, and other purposes is of grave concern to tribal governments in particular, and

Indian people in general, because of the effects of such placements on the family life of the Indian people and the unique legal, social status and rights of Indian people derived from tribal sovereignty, treaties, the U.S. Constitution, and Federal law; and

"Whereas the Church of the Latter-Day Saints Social Services program operates an Indian education program which caused approximately 2,800 Indian children from reservations to be sent across State lines in September, 1976; and other church-affiliated programs and public agencies are also causing an indeterminate number of Indian children to be sent across State lines for any number of reasons; and

"Whereas the Church of Latter-Day Saints Social Services program has requested the Interstate Compact Organization to be exempt from the existing compact regulations or that simplified procedures be adopted with respect to the handling of Indian children sent from one State to another, and to the knowledge of this convention, there are no compact regulations requiring documentation to the sending or receiving State or the signed consent of the Indian parents of children to be moved from their homes; nor is there any documentation that such placements are done with the knowledge and support of tribal governments;

"Therefore, be it resolved that the 1976 NCAI convention authorize the executive Director of NCAI to immediately organize a method to protect the rights of Indian children, families, and tribes by offering evaluation by Indian people designated by the child's tribe to assert the child's social well-being.

"Be it further resolved that the Commissioner of the BIA, Secretary of Interior, the Secretary of the Department of Health, Education, and Welfare, President Ford, and Governor Carter, and Senator Mondale receive telegrams from the Executive Director requesting their direct intervention and support."

Chairman ABOUREZK. I read that resolution. I did not quite understand what they were getting at, to be honest with you.

What do you understand that resolution to be?

It sounded like they wanted to take a swipe at the Latter-Day Saints Church, but they did not quite get to it.

Mr. SHENK. I cannot, of course, speak for NCAI; although I want to compliment them on their efforts.

I think, in part, they were responding to the LDS testimony previously as to whether or not they want to notify tribal bodies. I think that would be an NCAI position that notification of such interstate placements is something which the tribal bodies would appreciate.

Senator ABOUREZK. They have said that they have no objection to it, provided they can find that it is an organization that exists. I think that is reasonable. I do not think we ought to ask anything unreasonable of them. Certainly, if there is an existing tribe, yes; I believe they ought to notify. I think they have agreed to it.

Mr. BARKER. Mr. Chairman, might I ask whether it is the position of his organization that Indian parents should not be allowed to give consent to their children going to the school of their choice, if they make a bona fide, honest, written consent and ask that their children be placed someplace? Is it your position that Indian parents should be deprived of that right?

Mr. REEVES. I think that a related question is: What are the real choices for Indian families? It may be, in the short range, that off-reservation, non-Indian circumstances may be all that is available.

I think of our own situation. Fifteen years ago, the reason that the three Indian youngsters were available for adoption in our home is that there were not any other options.

We ought to be somewhat wary of hanging on to existing programs if they are not viable options for Indian people.

This is not a hearing on the system of the Bureau of Indian Affairs schools. But I think that there are some comments in that area, you see, which might open up alternatives for Indian families. In the short range, I think that Indian families certainly ought to have this right, if it is done on a well-informed basis. I find no fault with that.

I might offer a general observation. The Society of Friends has been working with Indians and on behalf of Indians since before this was a nation. It is interesting to note that one of the first Quakers who came to Nebraska as permanent residents came as the superintendent of an Indian reservation not far from where we live.

Looking back, I think it is clear to many of us within the Religious Society of Friends that we assume some things, particularly in the realm of values, in a kind of arrogant way; that we have insights and values which Indians ought to adopt. Our programs were based on these insights and values with not enough regard for traditional Indian values. Today, the character of some of our programs has changed. With it comes a certain degree of humility about the kinds of judgments that we have made in past times.

So, it is out of that milieu that we need to reevaluate the kinds of efforts that we extend toward the Indian community and on behalf of the Indian community.

Chairman ABOUREZK. By way of response to that, I think, for example, the LDS program is extremely well-intentioned. Mr. Lee has testified, as you have heard, of the benefits that he believes he has derived from it. I have no reason to question that at all.

I grew up on an Indian reservation in South Dakota. I can remember going through stages in my life where I thought, "Well, the Indians aren't very well off, and they probably ought to act like those of us who are not Indian. If they could act like the whites, maybe they would be very well off."

But I have changed my views a great deal in the past number of years. I am not entirely sure that we ought not to emulate the Indian people because I do not think that we have had such great success in what we have done. We do things and we call it progress and we call it success, but that is only because we, as the dominant society, have put the label on it. We can make the label stick, but I am not certain that it is true.

I would have to say that I agree with you that I do not believe we have all the answers. I think the attitude I used to take personally was a very arrogant one. I certainly do not take it today. But I think a lot of people living out around the reservations and, in fact, in cities away from the reservations probably still have the same attitude I used to have before I began to see things from a different perspective.

Mr. LEE. Mr. Chairman, I might say that, because of this program, I went through and finished college. I got my bachelor's degree. I got

my master's degree in education. My foster parent's helped me through all those years of getting my education degrees. Then I got a doctor's degree in education and spent 2 years here in Washington, D.C., area working for HEW.

They offered me a fellowship to work with State departments of education throughout the country and work with Indian tribes and other minority groups who need help, and to set up workshops to help them write proposals so they can obtain Federal funds for their special needs. So, I am well acquainted with the workings of the Government here. Because of the Indian placement program, I had all these opportunities. Now I am presiding over what we call a mission, which encompasses parts of the Four Corners States of Arizona, Utah, Colorado, and New Mexico. I preside over all those people in those areas—Indians and non-Indians. This is not just an Indian mission, but it is a mission also to help the whites and the blacks and the Mexican as well as Indians. I preside over all those areas.

I have 250 Indian and Anglo missionaries working under me, working in Indian and Anglo communities. It is a tremendous program. All those that came after me in the program are now in graduate schools. We have lawyers and doctors and dentists coming up. Full-blooded Indian students that went through this program are now coming up and being trained professionally. They are coming back to help their own people.

I have also had a chance to preside over a college, the College of Ganado in Arizona. So, I have been a college president. I worked with the Government and have worked with all kinds of people throughout the country because of this program.

Chairman ABOUREZK. Mr. and Mrs. Reeves, your prepared statement will be inserted into the record.

[The prepared statement of Mr. and Mrs. Reeves follows:]

TESTIMONY BY DON AND BARBARA REEVES,

ACCOMPANIED BY PHIL SHENK,

ON BEHALF OF THE FRIENDS COMMITTEE ON NATIONAL LEGISLATION

BEFORE THE SENATE SELECT COMMITTEE ON INDIAN AFFAIRS

ON S. 1214, INDIAN CHILD WELFARE ACT OF 1977

AUGUST 4, 1977

We are Don and Barbara Reeves, Quakers from Central City, Nebraska. I am currently legislative secretary for the Friends Committee on National Legislation, here in Washington, D.C. We are accompanied by Phil Shenk, an associate in the FCNL assignment.

We appear today in support of S. 1214, the Indian Child Welfare Act of 1977, and to raise certain very minor questions. Our support is both personal and on behalf of the FCNL. No individual or group can speak for all Friends (Quakers).

Barbara and I are the parents of three adopted children, in addition to two hatched in the normal fashion. Our oldest son, Randy, is of Omaha Indian background; Rick and Evelyn, natural siblings, are of mixed Indian and non-Indian background. They were adopted at two and a half to four years of age after state courts had judged that their natural families could not care for them. So far as we were concerned, their "Indianness" was not any direct cause of their coming to our home.

It would seem likely, however, that the difficult straits of these three youngsters derived indirectly from national policies toward Indians as individuals and as identifiable communities.

EARLY STABLE LOVING RELATIONSHIPS

If we have learned from twenty years of parenting, the chief lesson would be the importance of stable, loving relationships during the earliest years of a child's life. Our best guess is that this relationship is nearly independent of cultural or other extra-family circumstances. We would probably add as quite significant an adequate, nutritious diet during these early formative years.

Children deserve to be born into families who want to receive them. The relationship should be interfered with as little as possible during the developmental process. Family stability is probably much more important, and separations probably more harmful, to a child than any benefits derived from being removed to a "healthier environment."

Hence, we are encouraged by the strong emphasis in this bill on being supportive of Indian family stability. If temporary, correctable problems render families

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unable to care for children adequately, there should be available supportive community services to enable families to stay together--support payments, homemaking services, family counseling, health care, day care, etc.

COMMUNITIES, TRIBES, CULTURAL VALUES

Such a strong emphasis on family strength and stability does not preclude, and is almost certainly enhanced by, pride in a particular cultural background. We hold in very high regard, and have tried to share with all our children, many values which grow out of the traditions of the various Indian cultures and endorse efforts of Indian communities to preserve and extend those traditions and values. Being encouraged and enabled to keep children in their own communities is certainly part of that process.

In instances in which children's immediate family may not be able to adequately care for them, we see as most appropriate that decisions regarding their welfare be made by those closest and most concerned for them--the extended family and the tribal community.

While the policies of the United States have vacillated, they have generally looked toward assimilation of Indians into the larger body, and have for considerable periods of time been openly directed at destruction of distinctively Indian traditions and values. Much of what have been termed "causes" of Indian family instability are more correctly judged symptoms of the destruction of the Indians' value systems and tribal structures and of the often direct attacks on Indian family life as part of this process. The suffering of separated Indian families is immeasurable.

We welcome, then, a renewed sense of capability and desire of Indian communities to strengthen families and to deal with child placement problems within their own traditions and value systems.

Likewise, we are encouraged by the Congressional initiative shown by consideration of this measure.

SPECIFIC COMMENTS

SECTION 101. It is our understanding that paragraph (a) will not alter present civil jurisdiction in P.L. 83-280 states. In light of this, we feel that paragraph (b) ought to be clarified to state that (b) is applicable in the case of an Indian reservation which does not have a tribal court which exercises jurisdiction over child welfare matters and domestic relations.

We suggest that paragraph (e) be made to state clearly that its guidelines be applied in paragraphs (b), (c), and (d), so that it is clear that it is the duty of the party seeking a change of the custody of an Indian child to serve the written notice to the tribe.

SECTION 104. What effect would the granting of a child's right to learn the names and last known address of his or her natural parent(s) and siblings have on past commitments of confidentiality made to the natural parent(s) when they surrendered the child? Perhaps the proper forum in which

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to balance past commitments made to natural parent(s) with current rights of the child involved would be the appropriate tribal body rather than this Federal body.

SECTION 202. The functions of the family development programs in paragraph (a) should include but not be limited to the eight listed there, in order to allow tribes to expand and/or mold such programs to their own unique situations and priorities.

SECTION 204. In the study by the Secretary provided for in paragraph (a), we think Secretarial discretion should include case by case consideration of the long-range emotional and psychological impact which restoration of custody might have on the child.

We feel paragraph (a) should be strengthened by including provision for the party requesting the Secretary to return a child to appeal the decision in the appropriate U.S. district court in the event of Secretarial refusal to carry out the request, with the Secretary having the burden of sustaining the findings upon which the request was refused.

Further, we feel paragraph (a) ought to include some sort of provision to inform all tribal members of such Secretarial authority. As with all changes in Indian policies, attempts should be made to inform all persons affected of their new or regained rights and responsibilities.

CONCLUSIONS

But, most important, we remind this Committee and this Congress that legislation such as S. 1214 is utterly worthless without adequate funding. The transfer of jurisdiction and accompanying responsibilities effected by S. 1214 will cause an increased work load for tribal governments and court systems. Indian tribes, parents, and children must be guaranteed that the quality of child welfare service they receive does not drop with such a transfer of jurisdiction and responsibility because of Congressional refusal to provide the necessary funds.

In raising this point, we by no means want to imply that questions of justice (e.g., Indian child welfare jurisdiction) should be linked tenaciously with economic considerations. Instead, we mean to remind Congress of its special trust relationship with Indian people and strongly urge Congress to carry out the ensuing responsibilities with complete faithfulness.

We feel this responsibility requires quick passage of S. 1214, coupled with full and adequate funding in subsequent years.

Chairman ABOUREZK. Those are all the questions we have.

We certainly appreciate your testimony and I am very grateful for your appearance.

I have a large number of prepared statements, letters, and other material to be included in the record which I will place in the appendixes.

The hearings are in recess, subject to the call of the chair.

[Whereupon, at 12:35 p.m., the hearing was recessed subject to the call of the chair.]