

The Supreme Court Case to Overturn the Indian Child Welfare Act (1978) Part 2

Link: <https://www.youtube.com/watch?v=He0vTJnkSBI> [2022 (3.5 mins)] World Channel
Absorb, Assimilate and Indigenous Adoption | Daughter of a Lost Bird | America ReFramed

After decades of losing children to US government officials, a Tribal Elder is proactive: "Everybody who comes to Lummi [tribal reservation], I always say, 'Well, who are you and what are you doing here? And how come you are here and away from home? What do you want?'"

Each child stolen from the tribe is deemed a "Lost Bird"—she was a Native adoptee out of the tribe in the late 1800s. "The Indian Adoption Project began in 1958 as a government effort to remove Native children from their families and place them in white homes... Between 25 and 35% of all American Indian children [were] removed from their families... Welfare agencies seemed to have operated on the premise that most Indian Children would really be better off growing up non-Indian."

Link: <https://www.youtube.com/watch?v=UGqWRyBCHhw> [2019 (14 mins)]
How the US stole thousands of Native American Children

"The US has a long and brutal legacy of attempting to eradicate Native Americans." This video recaps loss of Indian lands, their children who continued to be born, and the growth of 350 boarding schools to "assimilate" and "civilize" them. And during the first fifty years of these practices-- while children were forcibly taken from their homes-- their tribal lands were further stripped by the federal government. A 1928 report detailed the atrocities of boarding schools and several closed. The fallout intensified in the late 60s and 70s. But before the boarding school period ended, another government initiative took form to "absorb and assimilate" Native children; the Indian Adoption Project began in 1958. "The main goal of this project was to 'stimulate the adoption of American Indian children, to 'primarily non-Indian adoptive homes'." There was a media campaign to get white families to adopt Indigenous "unwanted" children. Social workers went to reservations and used words like 'neglect' to describe children's conditions but often this was a white supremacist read of extended families sharing one home, living in poverty, working mothers, or letting children play outside.

"By the 1960s, about one in four Native children were living apart from their families." Other state and private organizations began the practice of placing indigenous children in white homes. Children were "procured" by force or threat; one woman describes how her mother's choice was to allow her to be taken or for the mother to never see her other children. Despite the pain and abuse, the government called the Indian Adoption Project a success. In 1977, after years of concerted efforts, the Indian Child Welfare Act (ICWA) was established that provided tribes paths to prevent the removal of their children. But the legacy of white supremacy continues: "American Indian children are three to four times more likely than white children to be placed in foster care—even when their families have similar presenting problems." Despite all, ICWA is under attack with the unsurprising claim that it is unconstitutional and discriminatory.



Link: <https://www.youtube.com/watch?v=5p81QQ5mO1Y> [2019 (3 mins)] KOB4 Colton Shone

A news station in New Mexico describes how local tribes responded to the Texas federal judge who ruled the Indian Child Welfare Act unconstitutional. Tribe members describe how the law has returned many children to their families and communities, and how children removed have suffered a loss of identity. Because of ICWA, over the previous few years, 23 children were returned to one tribe. There is an overarching issue that if the US government continues to keep children from Indigenous families, tribes will dwindle.

Additional Resources:

[This Land | Crooked Media](#) Season 2 podcasts trace the history leading and up to the 2023 Supreme Court case to assess the constitutional basis—and potential overturning—of the Indian Child Welfare Act. Following the cases of two white families who each want to adopt an Indigenous child, these podcasts go further and expose the Texas judge who overturns the 45-year precedent of involving tribes in determining the safe placement of Indigenous children (spoiler alert: the judge previously ruled against trans adoption, gender bathroom choice, and the Affordable Care Act). It also exposes the high-cost legal firms representing the families pro bono; the firms also represent corporate clients who stand to benefit from far reaching implications if ICWA is overturned including those that affect casinos, land rights and environmental protections. This currently 8-part series will conclude with the 2023 summer Supreme Court decision.

[ACLU Files Amicus Brief Urging Supreme Court to Uphold the Indian Child Welfare Act | American Civil Liberties Union](#)

[Why The Supreme Court Decision On A Native American Adoption Law Is So Sensitive | HuffPost Voices](#)

[Who should be allowed to adopt Native American children? - YouTube](#) HuffPost [2019 (13 mins)]