

An historical and cultural perspective on ICWA

Why was ICWA necessary?

Disclaimer

Speaking only for myself, not on behalf of all Indian people

Introduction - Background

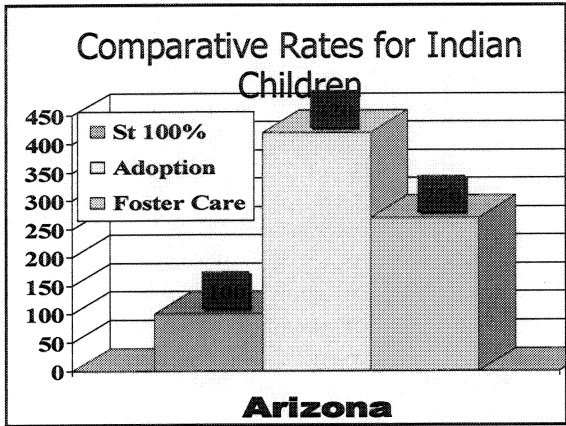
- Self
 - Disclaimer
- 500+ Indian Tribes
 - Differences among tribes
 - Differences within tribes
- 300+ Tribal Courts
 - Sophisticated
 - Developing
 - Rudimentary

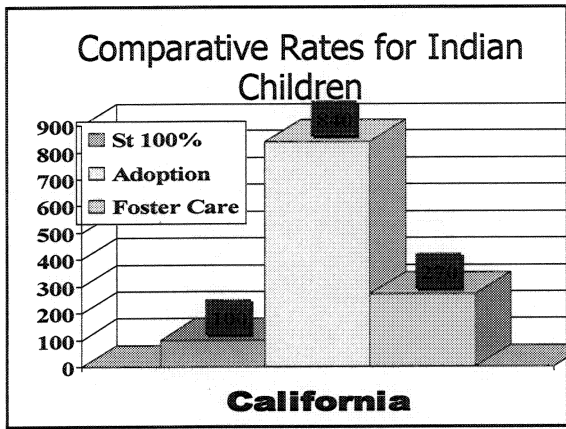
**Everyone wants
what is best for
the child !**
**“Why are Indian children
and families treated
differently?”**

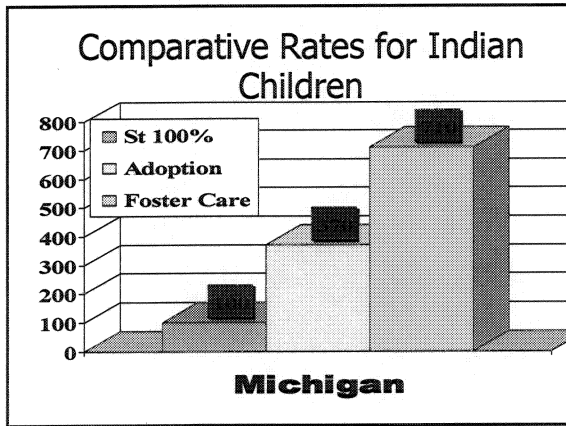
Families in Indian
Country

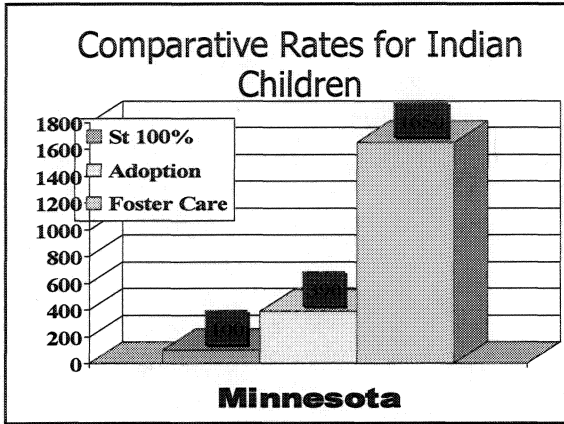
American Indian Policy
Review Commission
of the
United States Congress

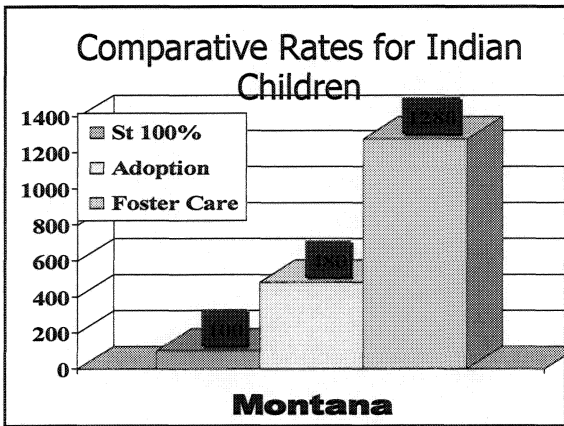
May 17, 1977

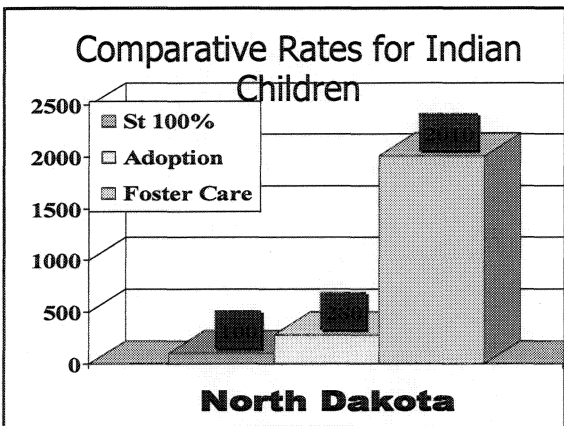


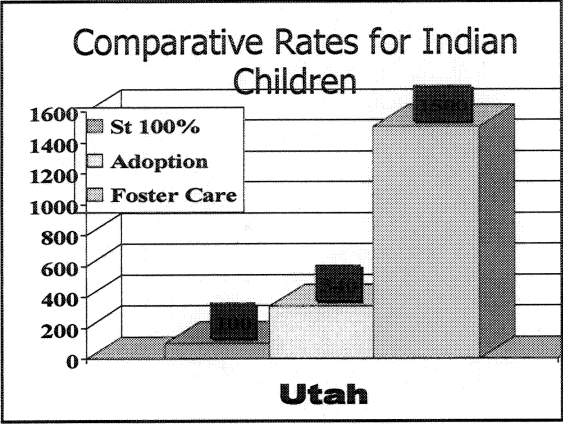


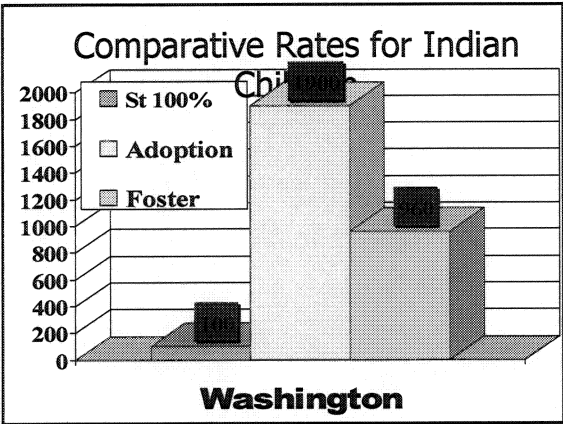












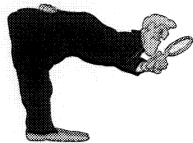
How does this happen?
■ An exercise ...

MIND THE LITTLE THINGS

Springs are little things, but they are sources of large streams; nails and pegs are little things, but they hold the parts of a large building together; a word, a look, a smile, a frown, are all little things, but powerful for good or evil. Think of this and mind the little things. - Hillis

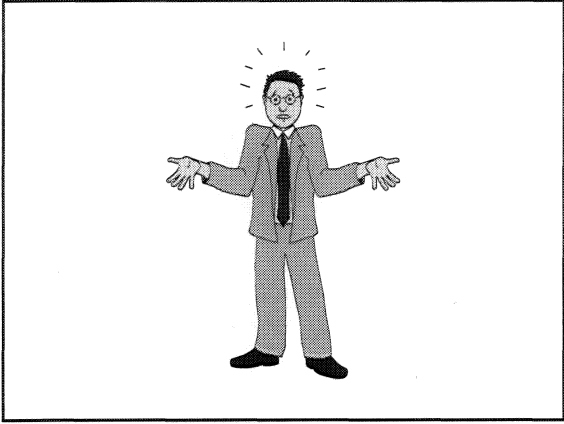
Find the number of

Fs



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Zero
to
Three

Four

Five

Six

More ?

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GAO Report – April 2005

- Census estimates for 2003:
- 4.4 Million people report Indian heritage
 - 1.5% of the population
 - This is NOT the number of members of federally recognized tribes

Political, not racial, identity

- Federal law dealing with Indians depends upon a political, not a racial definition – membership
- Tribal definitions of members varies
 - Heritage [paternal/maternal], blood quantum, residence at birth, etc.

Political, not racial, identity

- Tribes retain internal sovereignty not removed by federal power
- Congress holds plenary power over tribes and members

The historical context ...

Why trust is not automatic when confronted with "I am from the government - I am here to help" ?!!

Short form: Story

Navajo Elder & NASA

When NASA was preparing for the Apollo project, they did some astronaut training on the Navajo Indian reservation. One day, a Navajo elder and his son were herding sheep and came across the space crew.

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A member of the crew said they were practicing for their trip to the moon. The old man asked if he could send a message to the moon with the astronauts. Recognizing a promotional opportunity for the spin-doctors, the NASA folks found a tape recorder.

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So the NASA reps brought the tape to other members of the tribe who listened and laughed, but refused to translate the elder's message to the moon.

So the NASA reps brought the tape to other members of the tribe who listened and laughed, but refused to translate the elder's message to the moon.

Finally, NASA called in an official government translator. He reported that the moon message said,

“Watch out for these guys; They’ve come to steal your land

**An example of attempts to solve the “Indian Problem”
An attempt to steal more than just land...**

BIA started as part of the War Department



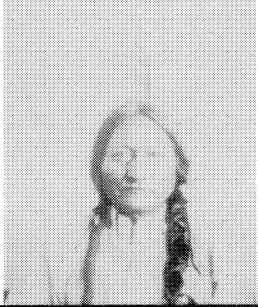
Education as a part of the "civilizing" function



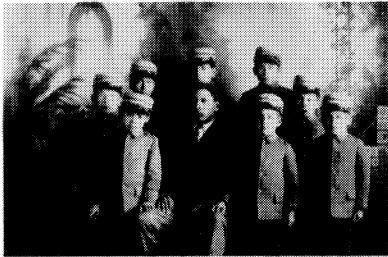
Solution to the "Indian Problem"



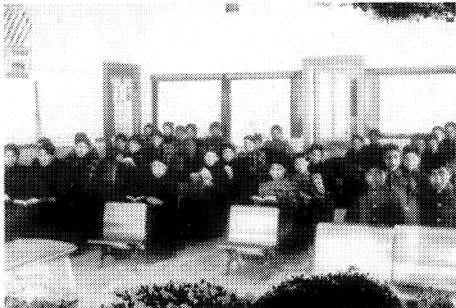
1878 the Hampton Institute, a school for freed slaves, accepted Indian prisoners in an assimilation experiment.



In 1879 Carlisle Indian School, patterned after the military model, opened.



By 1890 attendance was enforced through threats of cessation of rations and supplies.



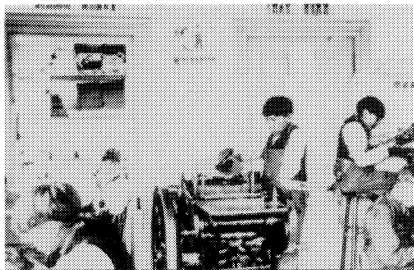
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Many died of disease and broken hearts.



Succeeded in breaking intergenerational teaching in Indian communities. Language, religious practices, cultural knowledge were targeted



Generations learned to parent from BIA dorms



Motto at BIA Schools...

- Tradition is the enemy of progress
- A new 'tradition' is created that teaches 'parenting' from matrons on the dormitories

Education

- Is viewed, at best, as a two edged sword.
- At worst, as a threat.

**The historical context
[perspective] ...**

Of the speaker and listener may be significantly different

California Indian History

- 1851-52: 18 Treaties signed with Tribes reserving 7.5 million acres
- **U.S. Senate rejected in secret session** - tribes moved but found that there was no place for them when they got there – no place to go back to
 - First official notification to tribes 55 years later

California Indian History

- 1850 law - any Indian, on word of white man, could be declared vagrant, thrown in jail, labor sold at auction for up to 4 months with no pay
- Child stealing and sale
- Indenture
 - Two to fifty years of age

California Indian History

- Population decline 1840-1870 : 200,000 to 12,000
- Survivors scattered

California Indian History

- **Relocation** - BIA/government's attempt to depopulate reservations
- BIA hoped Indians would remain in city and gradually disappear into alleged "melting pot"
 - 60,000-70,000 out-of-state Indians settled into Los Angeles or San Francisco Bay Area

Today in California...

- More Indians than any other state
- Fewer than 1/2 are "California" Indians
108 Federally recognized tribes
- 33 tribal groups not federally recognized
- 6 active tribal courts with varying jurisdiction
- Several courts in process of activation

Finally,

- The end

- But first one last story



The Wolves Within
Author Unknown





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An old grandfather, whose grandson came to him, angry at a schoolmate who had done him an injustice, said "Let me tell you a story. I too, at times, have felt a great hate for those that have taken so much, with no sorrow for what they do. But hate wears you down, and does not hurt your enemy. It is like taking poison and wishing your enemy would die. I have struggled with these feelings many times."



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He continued, "It is as if there are two wolves inside me; one is good and does no harm."



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He continued, "It is as if there are two wolves inside me; one is good and does no harm. He lives in harmony with all around him and does not take offense when no offense was intended. He will only fight when it is right to do so, and in the right way."



The Wolves Within
Author Unknown



But the other wolf, ah! He is full of anger. The littlest thing will set him into a fit of temper. He fights everyone, all the time, for no reason. He cannot think because his anger and hate are so great. It is helpless anger, for his anger will change nothing. Sometimes it is hard to live with these two wolves inside me, for both of them try to dominate my spirit."



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The boy looked intently into his Grandfather's eyes and asked, "Which one wins, Grandfather?"



The Wolves Within
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**The boy looked intently into his Grandfather's eyes and asked, "Which one wins, Grandfather?"
The Grandfather smiled and said, "The one I feed."**

**Thank-you for
letting me visit
with you**

