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From the Indian Adoption Project to the Indian Child Welfare Act: the resistance of Native American communities

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The right for Native children who are in the welfare system (foster care and adoption) to grow up within their community or in an environment which reflects Native American culture is guaranteed by the *Indian Child Welfare Act* of 1978. We may wonder the reasons why adoption became such a sensitive issue for Native American communities in the 1970s. Why could we consider the *ICWA* as one of the legislations that could exemplify the resistance of Native communities? If there is resistance, we may wonder to what?

In order to better evaluate the significance of the adoptions which were carried out between the 1950s and 1970s, I am going to present the Indian Adoption Project, a contract that made possible the adoption of Native children by white families in the USA. Then, I will examine the social and political context and the conditions leading to the vote of the *ICWA*, before highlighting the expressions of resistance that lay underneath this federal law.

I- The Indian Adoption Project

The Indian Adoption Project is a contract which operated from February 1959 until 1967. It was officially adopted in order to lift the obstacles which prevented Native children from eligible adoption and to allow them to have a better life. The project director, Arnold Lyslo, claimed it aimed at removing administrative and racial barriers, at a time when “matching”¹ was an overall practice in the field of adoption. The project was original, innovative, and avant-garde for its time. Three organizations collaborated in it:

- 2 federal agencies: the United States Children’s Bureau² and the Bureau of Indian Affairs,³
- and a federated organization known as the Child Welfare League of America (CWLA).⁴

The U.S. Children’s Bureau participated in assisting and planning for the adoption of Native children, while the CWLA ran the project (removing legal barriers for interstate adoptions or solving conflicts in adoption laws and practices). Besides managing the project and supervising the adoptions, the CWLA conducted longitudinal research to evaluate their success. The appointed social scientist, David Fanshel, interviewed with his team approximately 98 adopted families from July 1960 to August 1968 and the outcome of his research was published in *Far From the Reservation* (1972).

The function of the Bureau of Indian Affairs was mainly financial. The League sent a quarterly progress report of the project to the BIA detailing the number of Native children adopted and

commenting upon the obstacles (for instance, it was reported that some Native tribes refused to participate in the project, and Southern adoption agencies were reluctant to carry out transracial adoptions...).

What triggered the adoption of Native children by white families?

It seems that various factors contributed to the success of the project. Six major ones can be highlighted: the high demand for adoption by white couples, the media coverage, the living conditions in some reservations, the high fees for adoption, the covert assimilation policy adopted by the BIA and the benefits of an efficient structure: the Adoption Resource Exchanges.

The 1950s experienced a dwindling number of white, blue eyed babies available for adoption due to wide use of contraceptive materials amongst white women, the possibility of abortion in some states, and a fading stigma towards unwed mothers. United States society, after World War II, valued the existence of the nucleus family. Sterile couples considered adoption as a means to avoid stigma and seclusion. This new high demand for adoption laid the groundwork for the creation of the Indian Adoption Project by the government and the Child Welfare League of America.

The media coverage also accounted for the large impact of the project. It made the number of children waiting for adoption available and at the same time induced white couples to adopt Native children. The director of the project, Arnold Lyslo, listed the main newspaper articles which contributed to stimulate the desire of white couples to adopt a Native child. In a progress report written on March 15, 1967, he discussed the great impact of Arlene Gilberman's article, "My forty-five Indian godchildren" issued in the review, *Good Housekeeping*. Eight hundred couples favourably responded to it. Other articles such as "God forgotten Children", "Indian children find homes" and "Interracial Adoption" also encouraged white couples to adopt a Native child.⁵ David Fanshel explained the reasons why white couples were willing to adopt Native children.⁶ It seems that the good experiences of white couples with Korean adoptees, as the media highly publicized cases of good adaptation, motivated them to choose a Native child rather than an African American child.

The Indian Adoption Project was also seen as a means to solve what was considered as "the Indian problem". In a message to Congress on March 6, 1968, President Lyndon Johnson underlined the dire conditions of living of Native communities with "fifty thousand Indian families [living] in unsanitary dilapidated dwellings: many in huts, shanties, even abandoned automobiles. The unemployment rate among Indian [being] nearly 40 percent, more than ten times the national average. (...) Indian literacy rates [being] among the lowest in the nation; the rates of sickness and poverty [being] among the highest".⁷ Native parents were regarded as incapable of taking care of their children and of offering them a better life. The Native child was thus considered as "the

forgotten child, left inadequately cared for on the reservation, without a permanent home or parents he could call his own”.⁸

Adoption agencies also benefited from transracial adoptions. For instance, the Pittsburgh Family and Children’s Service in Pennsylvania set fees which depended on family income. This table reveals that adoption agencies tended to privilege middle class couples rather than low-income couples. Fanshel reported the situation of most Native families whose income could not make them eligible for adoption:

It was reported in 1962, when many of these adoptions were being arranged, that the average reservation family had an income of \$1,500 and that unemployment on the reservations ran between 40 and 50 %, seven or eight times the national average. (FFR,22)

Family’s annual income in dollars	Agency fees in dollars
3,500	25
3,500-4,500	50
4,500-5,500	100
5,500-6,500	150
6,500-7,500	200
7,500-10,000	300
10,000 and more	400

Fig: Pittsburgh Family and Children’s Service agency’s fees according to Family’s annual income (CWLA archives, box 17:9).

During the second half of the XXth century, the American Indian population increased drastically from 357,499 in 1950 and 523,591 in 1960 to 792,730 in 1970.⁹ This demographical increase meant for the federal government to allocate more federal funds to the tribes. In order to cut down the expenses, reducing the members of tribes through adoption appeared as a good solution. The experiment was originally designed to separate 50 Native children from their communities and to evaluate the success of the placements. Joseph H. Reid, executive director of the Child Welfare League of America informed the member agencies in a letter (April 1, 1959) of the agreement of the League with “the United States Bureau of Indian Affairs to set up a pilot adoption project involving the placement of approximately fifty Indian infant children from a few reservations throughout the country”. He also restated in that letter that “these children [were] to be placed primarily in non-Indian adoptive home through specialized agencies in the eastern area”.¹⁰ The CWLA set criteria to select Native children. The child had to be one-fourth or more degree Indian blood, considered adoptable physically and emotionally, be released by his parents after good counselling and have court protection to assure his adoptability.¹¹ Considering the criterion of

one-fourth of Indian blood as necessary for tribal enrolment, the BIA's selection can be seen as a means to reduce the number of tribal members.

These adoptions were made within the particular context of the "termination policy" era¹². Some experts asserted that this area of finalization of the federal government responsibilities towards Native tribes roughly took place between 1949 and 1962. The report of the Hoover Commission (1949) recommended that Native people be integrated progressively into the mainstream, and to transfer social and medical programs to States. It also suggested that the tribes pay states and federal taxes, that the Bureau of Indian Affairs be dismantled and that young Native people be prompted to move to the city. The 108 Congress Resolution confirmed that policy:

To make the Indians within the territorial limits of the United States subject to the same laws and entitled to the same privileges and responsibilities as are applicable to other citizens of the United States.... [I]t is declared to be true sense of Congress that, at the earliest possible time, all of the Indian tribes ... should be freed from federal supervision and control and from all disabilities and limitations specially applicable to Indians. (83rd Congress, 1st session (1953)

In practice it means for the tribes to fall under States supervision. As many States ignored the complexity of tribes' status, the termination policy gave way to more confusion and misunderstanding between both groups. Besides the BIA's relocation program that was meant to help Native families to move to cities (such as Denver, Detroit, Los Angeles, and Salt Lake City), U.S Congress passed Public Law 83-280 on August 15, 1953 in order to solve crime problems on some reservations. Six States (California, Nebraska, Oregon, Minnesota and Alaska) were granted criminal and civil jurisdiction over the 359 tribes and villages within their limits. The adoption of Native children by white families participated into the process of cultural genocide. It means for the tribes to be deprived of their children, the ones who could pass on the traditions and permit tribes to be distinct from the mainstream culture.

The BIA had initiated in the past policies to dilute Native Americans within the mainstream society. Towards the 1870s, education was used as a pretext to separate Native children from their communities and immerse them in the mainstream culture by means of the boarding school system. The children, kept away from their parents' influence, were forbidden to speak their Native language and were educated to learn the mainstream values. The *General Allotment Act* (1887) also contributed to destroy tribes' social structures, by establishing blood quantum criteria for tribal enrolment. The Indian Adoption Project reminds those policies. In the 50s, what seemed like "abandoned" or "abused" children living on the reservations, consequently became wards of the federal government which placed them in boarding schools, foster care institutions or white foster homes. They posed a financial burden for the Bureau of Indian Affairs which was responsible for

them until they reached majority. With the adoptions, the BIA was released from its financial obligations.

Besides the elements previously mentioned, the adoptions could not have taken place without the existence of an efficient structure. Many adoption agencies operated an index as early as 1949, and in 1956, it was renamed Adoption Resource Exchanges (ARE). Defined by the CWLA, as “an organised means of exchanging information among agencies about adoptive applicants for whom they have difficulty in finding appropriate homes, and about adoptive applicants for whom they have no suitable children”, ARE had a communicative function at the beginning.¹³ It was thus used as a mechanism for organized communication between adoption agencies, encouraging and facilitating placement of children for whom an agency had no suitable family. ARE put together agencies which had adoptable children and couples ready to adopt them. The IAP used the structure of ARE for Native children and white parents’ referrals.

Outcomes of the Indian Adoption Project :

Officially, only 395 Native children from 16 States were adopted in the scope of the contract.¹⁴ Thirty-one agencies under contract with the League participated in the project. Realistically, the adoption of Native children in white families went beyond Lyslo’s expectation as other non-member agencies made adoptive placements for Native children. Many sources bear out this view:

- A letter dated July 6, 1962 written by Joseph H. Reid underlined that 585 Indian children had been adopted in 1961.¹⁵

- A report written by Lyslo on October 11, 1966 presenting the results of the participation of 66 adoption agencies revealed that 696 children from Indian origins had been adopted in 1965.¹⁶

- A report that the Association on American Indian Affairs released to the Senate Commission in 1977 stated that 11,157 Native children were adopted between 1964 and 1976 (survey for 13 states).¹⁷

- A letter from Arlene L Nash, director of ARENA (Adoptive Resource Exchange of North America), claimed that 48 Native children were adopted in 1972.¹⁸

We can infer that approximately 12,486 children were adopted between 1961 and 1976 out of the scope of the Indian Adoption Project.

Period considered	Number of adoptions
1964-1976	11,157
1959-1967	395
1961	585
1965	696
1972	48
total	12,881

Fig: estimation of the number of children in adoption between 1959-1976

Even though some Native communities, namely the Mohawk and Apache, have refused to release their children to white parents, the protest came from the Devils Lake Sioux tribes that asked the Association on American Indian Affairs to help it stop the removal of its children.

II- The resistance of Native communities

Following pressure of Native organizations, Congress carried out hearings into adoption practices in 1974 and 1977. Dr Westermeyer, a psychiatric, who worked with Native patients in Minnesota, stated that those who had been placed in foster and adoptive homes had adjusted well in childhood. “However, once they get into adolescence, runaway problems, suicide attempts, drug usage, and truancy [were] extremely common among them, even though they [were] raised away from the reservation and away from Indian society”.¹⁹ He explained that the mainstream society²⁰ was responsible for this change of attitude, as “during adolescence, [the teenagers] found that society was not to grant them the white identity that they had”.

Chief Calvin Isaac of the Mississippi Band of Choctaw stated in the congressional hearing of 1977: “culturally the chance of Indian survival are significantly reduced if our children, the only means for the transmission of the tribal heritage are to be raised in non-Indian homes and denied exposure to the ways of their people”.²¹ Therefore, *The Indian Child Welfare Act* of 1978 (8 November 1978) was meant to stop the widespread removals of Native children from their communities.

Analysing the contextual factors (social and political context of the 60s and 70s) implies that we consider the *ICWA* as benefiting from a broader movement. The 1960s and 1970s represent cornerstone periods for American society which was shaken by protest movements such as the Black power and the Red power as well as activist movements to end the Vietnam War. The red power movement gained visibility through actions such as the occupation of Alcatraz by 89 Natives on November 20, 1968 and the “trail of Broken treaties” caravan, going from San Francisco to

Washington (1972), which meant to attract more attention to the problems and discriminations Native people faced.

Along these actions there were Native organizations which were created and determined to improve the conditions of Native people and to protect their rights guaranteed by treaties. The American Indian Movement created in Minnesota in 1968, the United Native Americans (founded in 1968 and which led actions to stop the forced sterilization of Native women in the 1960s and 1970s) and other intertribal organizations such as the Association on American Indian Affairs,²² the National Indian Youth Council (1961), all benefited from the fundings that were made available with the Economic Opportunity Act of 1964. Nagel described this climate of change and protests as marking the American Indian ethnic renewal with a strong sense of pride.²³

These events and conditions prepared the actions of the Association on American Indian Affairs. The latter voiced its commitment to the defence of Native parents and families in a conference held at New York in 1968. Under the leadership of Senator Abourezk, hearings were held to investigate the allegations of the forced removals of Native children from their families. During the hearings in 1974, the AAIA presented a report that showed the alarming rate in which Native children were nationwide removed from their families. In 1976, Senator Abourezk asked the AAIA to prepare a document for the protection of Native children that was handed over to the Commission on Indian Affairs on August 27, 1976. The bill, called S. 3777- the Indian child Welfare Act of 1976, did not retain the Commission's attention. Senator Abourezk introduced it again under the name of S.1214 on April 1, 1977. Hearings were held in August 1977 to evaluate the extent of the problem.

The 95th Congressional Record of the Senate (vol 123, part 29, 1977) sheds light on the factors that amplified the removal of Native children from their families, namely: the parents ignoring the nature of the documents the social workers made them sign, the absence of the parents during the hearings, the social workers' biased view of Native culture, and the lack of consultation and transmission of information to the tribes that impeded them to transfer the case on their jurisdiction. Three factors were highlighted: economic-historical, inter-relational and psychological, to explain the extent of the removals.

During the hearings of 1974, Mr Byler, director of the Association on American Indian Affairs stated that "a survey of North Dakota tribe indicated that of all the children that were removed from that tribe, only one percent were for physical abuse. About 99% were taken on the basis of such vague standards as deprivation, neglect, taken because their homes thought to be too poverty stricken to support their children".²⁴ So, social and economic conditions (low income, unemployment, bad sanitation conditions deemed favourable to tuberculosis) were used by state

welfare agencies as evidence to take the children from their families. These criteria were set for white middle class families as more than a half of Native homes could not meet them.

In addition, the state of poverty derived from previous policies which uprooted some tribes of the South-East from their ancestral lands, creating their dependence on the federal government (*The Removal Act of 1830*) and the disruption of their collective land-based traditions (*General Allotment Act of 1887*).

As regards to the inter-relational factor, the social workers' report was valued by State courts that relied on it for placement decisions. Some social workers used coercive means to take the children from their families, threatening the parents to terminate their welfare payments if they opposed their decisions.

Finally the psychological factors allow to see the impact that the assimilation policies had on tribes. Some parents who had experienced the boarding school system felt that their children had a better chance if raised out of their tribes. One witness acknowledged that "worried sets of parents would come to the clinic begging for help in securing placement in a boarding school for their eight or nine-year old child. This puzzled me, and it soon became clear that it was a heartbreaking matter for them to part with the child, yet they know nothing else to do. They had never known family life from the age of school entrance. Their parents have never known life from the age of school entrance. There were no memories and no patterns to follow in rearing children except the regimentation of mass feeding, mass sleeping and impersonal schedules".²⁵

The purpose of the *ICWA* was to put an end to a situation when an alarming high percentage of Native children living in both urban communities and Indian reservations were separated from their natural parents through the actions of non tribal government agencies and were placed in institutions, or foster and adoptive homes, usually with non-Indian families.

Therefore, the federal legislation set landmarks for child custody proceedings by:

- Defining the exclusive jurisdiction of Native courts to deal with child custody proceedings when the child is domiciled within the reservation.
- Compelling state courts and tribal courts to cooperate. In case the child does not reside within the reservation, the State court must transfer the custody proceeding to the jurisdiction of the tribe.
- Compelling state courts to inform the child's parents and tribes in any involuntary proceeding, and to notify them by registered mail with return receipt.²⁶
- Appointing counsel to defend the child's rights. This counsel is paid by the Secretary of the interior.

- Demanding that any voluntary consents to a foster care placement or termination of parental rights be invalid if not executed in writing and recorded before the judge of a court, and with the insurance that the terms and consequences of such decisions have been explained to the parents.

- Demanding the testimony of a qualified expert witness that is familiar with Native culture to determine if the child is in danger.

- Stipulating that any child accepted for foster care or adoption shall be placed with a member of his extended family, or a family home or an Indian foster home or institution approved and licensed by the child's tribe.

The *ICWA* enhances family and tribal bonds. It also considers solidarity between members (with the extended family) paramount for the survival of the tribes.

Why can The *ICWA* be considered as an instrument of resistance?

The *ICWA* is an exclusive law that protects only Native children. It acknowledges the importance of children for the survival of Native cultures. Nevertheless, it underwent attacks from people who thought that it violated the XIVth amendment of the U.S. Constitution. Some states even adopted the "existing Indian family doctrine"²⁷ in order not to comply with the *ICWA* provisions. Other laws attempted to erase racial differences within the welfare system (*The Adoption Opportunity Act of 1994*) without succeeding in limiting the scope of the *ICWA*.

A research conducted between 2007 and 2009 with 15 Native adoptees²⁸ (some were still looking for their biological parents and some have found them) confirmed the importance of the link between the tribe and its members. The study showed that the adoptees have benefited from their reunion with their families and tribes. They described their search as difficult because of administrative barriers (they had to contact the adoptive agency which made the adoption and the latter gave them no identifying information. They had to petition the court which finalized their adoption to access their original birth certificate). The adoptees were also aware that both Native communities and U.S. mainstream culture have their own criteria of inclusion and exclusion. In most Native communities, blood quantum, clothes, language and attendance of ceremonies, are elements for being fully recognized as a tribe member, while the mainstream relies on the phenotype. This research has highlighted the resistance of Native tribes, because in spite of assimilation policies, they still retain distinct traits from the mainstream. More significantly, twelve adoptees managed to reunite with their families and enrolled to their tribes. Their reunion remains exceptional cases, because most adoptees who were placed before the vote of the *ICWA* have not managed to find their biological parents or refused to search for them.

Native adoptees who were placed after the vote of the *ICWA*, once they reach 18 can be informed of their tribal affiliation and of their biological parents' names. Therefore, the *ICWA* highly contributes to bridge the gap between transracial adoptees and their tribes.

Conclusion

The Indian Adoption Project well exemplifies the attempt by the USA to assimilate Native children into the mainstream by way of adoption. It also reveals the difficult balance between cultural tolerance and equality, at the time when minorities were fighting to be treated as equals and were claiming the rights to be different. The impact of the removals of Native children from their families was largely acknowledged at the 1974 and 1977 hearings. The *ICWA* thus became an element of resistance, with Native communities benefiting from a broader movement (protest against the Vietnam war) and succeeding in getting the federal government to vote an exclusive law to protect them. In this particular case, resistance appears as an unexpected action which was triggered by various factors. It shows that communities can deploy resources to stop cultural genocide. It also implies that cultural genocide can be a means not an end. The *ICWA* also disrupted social practices where the interest of the child was seen as distinct from his parents'. It challenges the jurisdiction of state court in family matters, when the child resides on a reservation.

We can compare the massive adoption of Native children by white families with the lost generation of Australia. Once again it was the state that legitimised the removal of light-skinned Aboriginal and Torres Strait Island children from their mothers.

Whereas Australia has apologized for this dark page of history ²⁹, and funded healing programs, in the USA only the director of the CWLA, Shay Bilshik, has apologized in June 2001 to Native organizations at a meeting of the National Indian Child Welfare Association for the participation of the League in the removal of Native children from their communities. He declared: "No matter how well intentioned and how squarely in the mainstream this was at the time, it was wrong; it was hurtful, and it reflected a kind of bias that surfaces feelings of shame".

End notes

¹ This philosophy adopted cultural, religious and physical match between the adopted children and their adoptive parents.

² The United States Children's Bureau is a federal agency, established on October 9, 1912 by Congress with the mission to investigate and report any matters pertaining to the welfare of children in the United States. It was thus set up as a government official's watchdog on children's conditions.

³ Originally called the Office of Indian Affairs, The Bureau of Indian Affairs was created in 1824. It was transferred to the Department of the Interior in 1947 with the mission to manage and control every aspect of Native people's lives.

⁴ The Child welfare League of America was founded in 1920 as a federation of 70 service-providing organizations. The CWLA was involved in child-placing policies and consequently both CWLA and the U.S. Children's Bureau worked closely together. In the 1950s the U.S. Children's Bureau encouraged reforms in

State adoption laws while the CWLA issued in 1958 a program of standardization called, *Standards for Adoption Service*.

⁵ CWLA Archives (Elmer L. Andersen Library). “Indian Adoption Project: 1959-1972”, Box 17 folder 4. The first article, written by Reverend Norman Brandt, was issued in the official review of *Lutheran Witness of the Missouri Synod of Lutheran Church*. The second one was written by Melva Rorem and published by *The Lutheran Standard*. “Interracial Adoption” was published by the editors of the *Consumer union Report on Family Planning*.

⁶ David Fanshel. *Far From the Reservation*. NY: the Scarecrow Press, 1972, p.119.

⁷ *Ibid.*, p.23.

⁸ *Ibid.*, p.35.

⁹ Joane Nagel. *American Indian Ethnic Renewal*. p.85.

¹⁰ CWLA archives, File: Adoption project, box 17:4.

¹¹ Fanshel, D. *Far from the Reservation*, p. 40.

¹² “Termination policy” refers to the era when Congress decided to erase the existing bonds between Native American tribes and the federal government. It was the continuation of policies aiming to assimilate Native Americans into the mainstream culture.

¹³ CWLA archives, box 18:3. This definition was given by Zelma J. Felten (associate director of the League Child welfare and foster family project) at the Regional conference of New England in march 1958.

¹⁴ Fanshel, D. *Far From the Reservation : the Transracial Adoption of American Indian Children*. The children came from 16 states. p.34.

¹⁵ CWLA archives, Indian Adoption Project, box 17. Only 48 agencies out of 73 sent the questionnaire back.

¹⁶ CWLA archives, box 17:4.

¹⁷ National Archives of the United States. *Hearings before the Select Committee on Indian Affairs, US Senate*. 95th Congress, 1st session on S.1214, 4 August 1977, pp.538-539. Washington DC: Government Printing Office, 1977. According to the report 19 states transmitted their figures on the number of Native adoptees. These states are : Arizona, Michigan, Montana, South and North Dakota, Oklahoma, Utah, Washington, Alaska, California, Minnesota, Oregon, Wisconsin, Idaho, Maine, Nevada, New Mexico, New York and Wyoming.

¹⁸ CWLA Archives, box 18:4. The letter was sent to ARENA’s board of directors on May 11, 1973.

¹⁹ 93rd Congress (2nd session, April 7 and 8, 1974), 46.

²⁰ Alba, Richard & Nee V. *Remaking the American Mainstream: Assimilation and Contemporary Immigration*. The authors define the “mainstream” as “that part of the society within which ethnic and racial origins have at most minor impact on life chances or opportunities”, p.12.

²¹ 93rd Congressional Record.

²² The Eastern Association on Indian Affairs started in New York in 1922 to help a group of Pueblo people who were fighting against the dismantlement of their pueblo. After merging twice, it became the American Association on Indian Affairs in 1946. It played an important role in drafting decisive laws (such as ICWA), establishing health programs and promoting Native languages.

²³ Nagel, Joane. *American Indian Ethnic Renewal: Red Power and the Resurgence of Identity and Culture*. Nagel defines ethnic renewal as “the process whereby new ethnic identities, communities and cultures are built out of historical social and symbolical systems”, p.10.

²⁴ 93rd Congress, session II, on April 8 and 9, 1974, p.4.

²⁵ 93rd Congress, session II, on April 8 and 9, pp. 483-484. Testimony of C. Attneave, member of the Cherokee Nation.

²⁶ Congressional Record-house, October 14, 1978.

²⁷ It is a doctrine that some courts adopted and which demands that the child must have tight cultural links with his tribe to be considered as Native. Lorie Graham thoroughly explained the meaning and implications of this doctrine in an article entitled: “The Past Never Vanishes: A Contextual Critique of the Existing Indian Family Doctrine”.

²⁸ My doctoral thesis (translated): « The Adoption of Native Children by White Families in the United States: Origins and Consequences » (2009), relied on history to explain the removals of Native children from their communities. The concept of cultural genocide was thus employed to describe that social phenomenon. The research also focused on the issue of the adoptees’ return to their families and tribes and determined if it could be considered as a sign of resistance.

²⁹ The prime minister Kevin Rudd apologised to the Aborigines people on February 13, 2008.

Bibliography

Alba, Richard & Nee V. (2003) *Remaking the American Mainstream: Assimilation and Contemporary Immigration*. London: Harvard University Press.

Fanshel, David.(1972) *Far from the Reservation:The Transracial Adoption of American Children*. NJ: Scarecrow Press.

Graham M, Lorie. (1998) "The Past never Vanishes: A Contextual Critique of the Existing Indian Family Doctrine". *American Indian Law Review*, Vol. 23.1: 1-54.

Nagel, Joane. (1996) *American Indian Ethnic Renewal: Red Power and the Resurgence of Identity and Culture*. New York: Oxford University Press.

National Archives of the United States. Hearings before the Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs. 93rd Congress, 2nd session, April 8 and 9, 1974. Washington DC: Government Printing Office, 1974.

National Archives of the United States. Hearings before the Select Committee on Indian Affairs, US Senate. 95th Congress, 1st session on S.1214, August 4, 1977. Washington DC: Government Printing Office, 1977.