

Original Paper

Indigenous Child Removal and Systematic Assimilation in the United States

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Received: July 1, 2024

Accepted: July 23, 2024

Online Published: August 19, 2024

doi:10.22158/jrph.v7n2p72

URL: <http://dx.doi.org/10.22158/jrph.v7n2p72>

Abstract

This paper examines the long history of attempts to assimilate Indigenous children in the United States. Assimilation and Indian child removal practices had a deeper and longer history dating back to Colonial America. These policies fed into a more stringent and culturally violent attempt by the U.S. to assimilate Native children in the nineteenth and twentieth centuries. This paper will analyze the Indian Boarding School System and Indian Adoption Project, and end with a look at federal government efforts to protect Native Children in the recent decades.

Keywords

Indigenous child removal, Indian Adoption Project, Indian Child Welfare Act, Indian boarding schools, Native American assimilation

1. Introduction

“They took us away from our mom. They came marching right in and literally took us and thousands of other children from their homes.”—Daniel/Nelson Fox, Wikwemikong First Nation (Note 1)

“It’s a way to eradicate us. And to go to our nation’s children is one of the sure ways to do that.” —Sandy White Hawk, Sicangu Lakota, Rosebud Sioux Tribe (Note 2)

“Children were taken. And I believed...for a long time that there was something wrong with me, versus something wrong with the system.” —Jane Harstad, Red Cliff Band of Lake Superior Chippewa (Note 3)

The quotes above are first-hand statements from Native American survivors of American Indian adoption in the twentieth century. These lines, taken in video interviews in 2019, reflect the misery and pain thousands of Native Americans endured and continue to experience; these feelings are a result of the decades of U.S. government-supported assimilation, involuntary adoption, and loss of tribal sovereignty. Many Native parents were manipulated into believing that sending their children to boarding schools or

giving them up to adoptive households would give them a “better” life. Unfortunately for the majority of these children, their futures would be filled with abuse, mental distress, trauma, and for some, death.

These realities described above raise numerous questions regarding Native American history. How was the United States permitted to forcibly remove thousands of American Indian children from their homes and place them into boarding schools that attempted to strip away their identity? How was the federal government allowed to continue supporting this trend of Indian removal through the twentieth century as children were split from their parents and placed into abusive adoptive households? And most importantly, what does protection for Native American families and tribes look like today, if any? The answers to these questions lie in a deeper, longer history of Indian child removal and Anglo-Indian relationships beginning in the seventeenth century; these practices would be manifested in later assimilation tactics and programs.

Throughout American history, violence between English settlers and Native Americans persisted for hundreds of years. It began with European arrival in North and South America where Indigenous groups had previously lived for centuries. Within English colonies, Jamestown, Virginia, serves as a demonstration of the origins of strained Anglo-Indian relationships and shows a longer history of Indian child removal practices. Although English settlers did rely on Native American support at first, they soon resorted to force and violence to obtain what they wanted, primarily due to a lens of cultural superiority. In the 1600s, the indentured servitude and enslavement systems in Virginia were one English practice to target, control, and subjugate Indigenous groups. These processes also intersected with attempts to spread Christianity, which resembled assimilation tactics used by Indian Boarding Schools in the 1800s. As American settlers colonized westward, they continued to overrun and seize pre-existing Native tribes’ land. When they felt resistance from Indians, settlers and, in some cases with the support of the U.S. military, would burn down towns and capture American Indians as prisoners of war. This constant conflict came to be known as the Indian Problem: Indians were seen as obstacles to America’s expansion and rise to power. Despite U.S. attempts to weed out the so-called Indian Problem, Native peoples resisted and fought back. It took a series of wars, removals, and forced relocations to reservations before Americans felt they had finally conquered Native Nations. And still, they were not satisfied, since Natives were still seen as culturally primitive. So, the U.S. came up with a new solution: assimilating and acculturating the Indians. These efforts were often focused on children, whether through education, as represented by the Carlisle Indian Industrial School, or adoption, most famously in the Indian Adoption Program (IAP).

Previous scholarship has largely discussed the treatment of Native children in isolated twentieth-century contexts without understanding the longer-term, connected histories and causes (Note 4). Most scholars writing on these topics have mainly concentrated either on the federal boarding school system—with emphasis on Carlisle—or on the adoption of Indigenous children. However, this paper argues that these histories should be understood together and implements a longer timeframe to make this point. The federal boarding school system started much earlier than scholarship has previously recognized, almost

eighty years earlier than Carlisle, and later morphed into a federally-funded adoption program. All these efforts were a connected, systematic, federal program to assimilate and ethnically integrate Native children into broader American culture. The methods used were abusive, violent, and destructive to Indigenous families and community structures, but were continuous for over one hundred and fifty years. These abuses were so rampant and garnered public attention that as a result in 1978, the U.S. Congress finally passed the Indian Child Welfare Act (ICWA), which brought some relief and justice for Native families.

After a brief survey of colonial efforts, Part I of this paper will assess the Indian Boarding School System in the nineteenth and twentieth centuries. This section will explain the system's intentions, describe assimilation tactics used on Native children during operation, and narrate the experiences of an Indian boy from a first-hand account story. In addition to the boarding school system, Part I will explore the outing system—a similar program that placed Native children in white families for labor and servitude during the summers between the school years. Lastly, it will consider how the American public viewed Native American assimilation—while some believed assimilation would be a force of good in integrating Natives into society, just as many believed that the Indians were helpless and incapable of learning. Part II will investigate the Indian Adoption Project, which was the nadir and turning point in American Indian adoption and removal. This section will examine the motives and effects of this project and stress the importance of family structures in Native American culture. This paper will also analyze Arnold Lyslo, the founder of the IAP; it will argue that his justification for forcibly adopting children was invalid and had devastating impacts on the youths and their tribes. Lastly, this section concludes with an illustration of adoption in the context of Mormon communities, comparing Mormon motives with the IAP's motives. Part III of this paper dives into the effects of the boarding schools and adoption programs, focusing on the call for legislation protecting Native Americans. This section will concentrate on ICWA's purposes and look at its impacts on Native families. Lastly, this paper concludes with an introduction to the Road to Healing Tour—a new opportunity for survivors and descendants of parents who experienced the Indian Boarding School System or Native American adoption programs. This tour allows Native Americans to share their experiences, heal together, and achieve a degree of closure from the centuries of U.S. mistreatment and violence.

2. Early American Roots of Indian Education, Adoption, and Assimilation

When English settlers docked in Jamestown, Virginia, in 1607, they were not met with virgin lands and peace. While Jamestown was the first permanent English settlement in British North America, Native American settlements had pre-existed in Virginia and the surrounding continent for thousands of years (Note 5). Based on language families, there were three broad cultural groups in the Virginia area in the early 1600s: the Algonquian, Iroquoian, and Siouan (Note 6). The Algonquian-speaking inhabitants are perhaps the most well-known by scholars; this group was led by Powhatan and contained “twenty-eight to thirty-two small chiefdoms and tribes (Note 7).” These Natives thrived on the Eastern coast for

centuries settling into towns along the rivers, developing farming systems, and relying on hunting and fishing for sources of trade and food. However, with the English arrival in 1607, Native American life was about to undergo dramatic change.

The original Jamestown colony struggled to survive due to disease, food shortages, and droughts, and as a result, turned towards the Native inhabitants for support. Captain John Smith, a leader at Jamestown, established relationships and trade with the Native people. However Smith believed that “the English should treat [the Native Americans] as the Spanish had: to compel them to ‘drudgery, work, and slavery,’ so English colonists could live ‘like Soldiers upon the fruit of their labor (Note 8).’” Especially when the settlement continued to struggle despite Native support, Smith began to take “what he wanted by force (Note 9).” These initial reactions between Native Americans and English settlers marked the beginnings of a centuries-long, strained relationship between the two groups. Natives were discontent that the settlers refused to reciprocate their hospitality and support, and as a result began to rebel, burning English towns, crops, and livestock.

Efforts to spread Christianity and convert Native Americans were a concern with the founding of Jamestown. One of the proposed ways to civilize and Christianize Indian boys was to bring them into the colony (Note 10) This proposal was manifested in Robert Johnson’s book, *The New Life of Virginia*, in which he suggests that the colonists, “Take their children [meaning Native children] and train them up with gentleness, teach them our English tongue, and the principles of religion (Note 11).” Exposing the perceived uneducated and uncivilized Indian children to Christianity, the English language, and proper etiquette and manners were vital steps in integrating Native Americans into this new rising society. By targeting the Native children, assimilationists would ensure that the future generations of Native Americans would be raised in acculturated households and adapt to the new English norms and lifestyles. In addition, in 1657, the Virginia colony passed an act that further demonstrated this objective to primarily educate the Indian children. It states that the Indians who dispose of their children to any people for the purpose of education in Christianity or for learning the English language, shall not be transferred to any other family or instructor; further, once the child reaches twenty-five years old, they must be released (Note 12). This law’s language implied that the colonists’ impulse was to pass Indian children around, treating them as lifelong slaves. The housing and keeping of these children for years of schooling purposes indicated the extent to which English leaders went to achieve control over the Natives and to promote the Christian religion.

This emphasis on educating and acculturating Native children continued throughout the colonial period and into the country’s founding. While Virginia’s practices were more targeted at the implementation of Christianity into Native communities, the future U.S. policies would prove to be far more destructive and invasive of whole tribes, as they began to demand the full physical and psychological transformation of American Indians into what they believed was the right norm—mainstream American culture.

3. Indian Boarding Schools and the Carlisle Indian Industrial School (1801-1969)

By the nineteenth century, federally funded boarding schools were seen as one of the most effective ways to assimilate and culturally re-educate Native children. There were 408 boarding schools operating with federal funds between 1819 and 1969; Carlisle Indian Industrial School was the most famous, but many others predated it (Note 13). These boarding schools marked the first time the U.S. federal government led a sustained, institutional attempt to systematically remove children from their parents in order to Americanize them.

Removal and assimilation were among the many strategies used to solve the emerging “Indian Problem” in nineteenth-century American history. Throughout the 1800s as Americans pushed westward across the North American continent, they invaded Indian civilizations that had been thriving on the lands for centuries. Sadly, many of these encounters ended in conflict and violence. The American Indian Wars fought against the U.S. military and American settlers in the mid to late 19th century demonstrated this violent outcome of white settlers and Natives.

At times, wars against Native nations and the boarding school system worked together to accomplish similar goals. For example, the Apache Wars, a series of armed conflicts fought between 1849 and 1924, ended in an American victory. In 1886, Chiricahua Apache leader Goyaałé (Geremino) and his band surrendered to the U.S. after thirty years of defending his tribe from being removed from the American Southwest. As a result, the U.S. military forcibly removed surviving Apache children and shipped them by train to Carlisle Indian Industrial School; although some were later returned to the band, many Apache children never came back, accounting for one-quarter of Carlisle’s gravesites (Note 14).

The Carlisle Indian Industrial School was perhaps one of the better-known institutions that promoted Indian assimilation. It was founded by Richard Henry Pratt, an American military officer and eventual superintendent of the school for twenty-five years (Note 15). Located in Carlisle, Pennsylvania, the school opened its doors on November 1, 1879, as the “first government-run boarding school for Native American children (Note 16).” According to the U.S. Department of the Interior’s Bureau of Indian Affairs, the Army transformed the Carlisle Barracks—a previous military post not in regular use—into a boarding school (Note 17). Children would arguably be easier to assimilate than adults, so many assimilationists focused on educating and targeting the younger Native American generations. Since acculturation, or “adoption of white ways,” was difficult to achieve on reservations, agents created off-reservation schools for these purposes. According to the Federal Indian Boarding School Initiative Investigative Report, between 1820 and 1932, attendance at these institutions ranged between one and 1,000 children per year, with a capacity of up to 1,700 (Note 18). This statistic somewhat demonstrates the mass number of children who entered and exited these boarding schools because these were the only federally-supported schools that were documented and approved by the investigation. Thus, it is reasonable to infer that there were certainly other undocumented schools—such as on-reservation day schools or schools run by states, churches, and private charities—that harnessed similar assimilationist goals.

Once in the institutions, the switch from reservation to school life was not easy; many Indian children tried to resist acculturation in order to preserve their own traditions. On school property, one of the largest restrictions was forbidding Native children from speaking any language besides English; this rule targeted many students who wished to continue communicating in their Native tongue. Apart from school lectures, male Indians took up farming lessons whereas female Indians participated in cooking lessons (Note 19). These skills were vital to ensure that the Native children would grow up with skills common to American gender norms. However, while living in the institutions may have seemed physically harmless, this was often not the case; many children later reported the horrors of abuse they suffered. The students were forced to adopt these stereotypical American lifestyles or risk further physical abuse and punishment.

First-hand narratives of children's experiences while at these boarding schools offered insight into the true nature of the treatment of Natives, documented housing and food situations, and communicated feelings of disconnection and loneliness—emotions many children exhibited. In 1928, Little Standing Bear, Hereditary Chief of the Oglala Tribe of the Sioux Tribe, authored *My People the Sioux*, a narrative of his life as a Native American living in the U.S. in the late 1800s. One section details his experience whilst at Carlisle Indian Industrial School. He illustrates that for the first few nights, he and his classmates had to sleep on the bare ground and roll their leggings to make pillows because there were no supplied beds; this detail clearly demonstrates the lack of hospitality these schools offered the Native children (Note 20). Further, Little Standing Bear emphasizes how the living conditions were vastly different from what he had believed, giving proof that these boarding schools were advertised in a way to reassure parents that their children and the environments were safe and nourishing (Note 21). In fact, he explains that he solely came to the school in order to “show [his] people that [he] was brave enough to leave the reservation and go East, not knowing what it meant and not caring (Note 22).” Assimilationists were able to characterize the East as a place of opportunity and education for Native Americans, evidently sugarcoating the true mistreatment that went on at such boarding schools, and later in adoptive households. Despite the uncertainty Little Standing Bear demonstrated prior to attending Carlisle, the image of the East was enough to convince him to attend the school as he believed that it would display his bravery and masculinity.

One of the most excruciating parts of this story was the identity-altering practices Little Standing Bear experienced. On the first day of class, his teacher assigned each student a white man's name and stated that the new name would be the only way the students would be referenced from now on (Note 23). Although a small detail, this moment encompasses the whole of what assimilationists had been trying to achieve; they had now successfully removed the Native children's legal identity—their name—in replacement of a title more representative of the American norm. Later, Little Standing Bear recounts himself sitting in a chair as a barber is cutting his long hair off; at that moment, he states, “I felt that I was no more Indian, but...an imitation of a white man (Note 24).” When viewed together with the “white men's clothes” Carlisle required students to wear as a uniform, it can be understood that Carlisle, along

with other Indian boarding schools during the time period, went to great lengths to ensure every student's physical and psychological identity was somehow altered. Through these processes, these institutions would fulfill Pratt's vision of "killing the Indian, and saving the man," or in other words, destroying the Indian race and salvaging the man left behind. Now, assimilationists could feel self-congratulatory about the changes they required of the students. However, they remained unaware of the trauma and mental damage they inflicted on Native children.

During the summers between school years, the outing system was a continuation of assimilation policies at the Indian boarding schools. First pioneered at Carlisle, this system placed students in white families primarily for domestic service and labor. As historian Margaret D. Jacobs explains, "White policymakers and authorities characterized the outing of Indian girls for domestic service not just as a job but as a necessary part of their curriculum in uplifting Indians from savagery to civilization (Note 25)." In other words, this outing system served two purposes: supplying physical labor to families and assimilating Indian girls and boys. So while the Indian children could have had a pause of acculturation practices during their summers, they evidently did not experience any break from the constant assimilationist policies that aimed at converting them from Indian to American (Note 26). Furthermore, historian Robert A. Trennert stated in the *Pacific Historical Review* that by 1885, Carlisle Indian Industrial School was placing approximately 250 students in homes during the summer; boys generally worked on blacksmithing, farming, harvesting, and gardening while girls spent most of their time on housework and domestic jobs (Note 27). The students were paid anywhere between one to fifteen dollars per month, and the money would be deposited into bank accounts for later purchases (Note 28). Thus, the primary reason why the outing system was effective and accepted by the public was that the owners were receiving services and harvests in a timely manner while simultaneously supporting the larger national movement to assimilate Native American children.

Although Carlisle Indian Industrial School was one of the more well-known institutions, Indian boarding schools had been established and operating since the beginning of the 1800s, illustrating this longer history of Indian neglect, removal, and abuse. In June 2021, Secretary of the Interior Deb Haaland, a Native American member of the Laguna Pueblo tribe, announced the Federal Indian Boarding School Initiative (FIBSI); this project sought to recognize the legacy of the Indian boarding schools and address the negative impact and trauma their policies induced in Native families. The Department identified over 1,000 federal and non-federal institutions that likely involved the education and assimilation of primarily children of American Indian, Native Alaskan, and Native Hawaiian People groups (Note 29). For these institutions to identify as Federal Indian boarding schools for the investigation's purposes, they had to meet four criteria:

Housing—The institution has been described as providing on-site housing or overnight lodging. This includes dormitory, orphanage, asylum, residential, boarding, home, jail, and quarters.

Education—The institution has been described as providing formal academic or vocational training and instruction. This includes mission school, religious training, industrial training school, manual labor school, academy, seminary, institute, boarding school, and day school.

Federal Support—The institution has been described as receiving Federal Government funds or other Federal support. This includes agency, independent, contract, mission, contract with white schools, government, semi-government, under superintendency, and land or buildings or funds or supplies or services provided.

Timeframe—The institution was operational before 1969 (Note 30).

It is important to recognize that the criteria are somewhat restrictive; it can be reasonably inferred that there were a handful of schools that possibly only met three out of four clauses. In fact, the FIBSI specifically states that many institutions did not qualify because they did not meet the housing requirement (Note 31). Even with the lack of on-site housing, there is no indication that these schools did not harm and abuse the Indian children; reservation schools run by missionaries and white teachers also had assimilation as their ultimate goal.

As this 2021 investigative report indicates, federally-supported boarding schools were operating for almost eighty years before Carlisle's establishment. FIBSI recognizes the first boarding school to be the Spring Place Mission School, which was founded in 1801 (Note 32). Located in Spring Place, Georgia, sixty-seventy youths were reported to be educated at the institution. Further, an 1827 War Department document details that at the time there were "seven teachers and eleven pupils—with \$200 provided by the government (Note 33)." This school stands as the beginning of over 150 years of federally-sponsored Indian removal, assimilation, and abuse. Like the other institutions, the investigation recognized that Spring Place Mission School received government funding and support; this support was likely one of the main reasons why the Indian boarding school system ran for so long with the abuse and mistreatment undetected.

It is important to understand however that not all Americans believed that assimilating Native Americans would solve the Indian Problem; some promoted outright extermination. In 1851, historian Francis Parkman argued that Indians were incapable of even being acculturated in the first place: "[The Indian] will not learn the arts of civilization, and he and his forest must perish together... We look with deep interest on the fate of this irreclaimable son of the wilderness, the child who will not be weaned from the breast of his rugged mother (Note 34)." In other words, Parkman wished that the Indian rather be dead than alive, as he was evidently useless and incapable of even learning.

On the other hand, some Americans believed assimilation was doing Indians a favor, and that they would one day become a useful part of American society. Carlisle's superintendent Pratt believed that "the Indian could become a progressive part of the population through education (Note 35)." Unfortunately, his approach was eventually manifested in the school's policies; these included taking the "red man" from his reservation, tearing up the roots of his old culture, and inserting the Indian into surroundings that would encourage him to learn English, work for a living, and become a "useful citizen." (Note 36) This

strategy directly hit Indian tribes and communities, as it ripped apart families and social structures, beginning the decades-long issue of often undocumented and unconsented Indian child removal.

Although the Carlisle Indian Industrial School closed in 1918, the establishment of Indian boarding schools continued for at least another fifty years; although most of the institutions have shut down, a few remain running today. The schools remain as a reminder of the abuse endured by the Native American children, and their assimilationist policies faced a lot of criticism because they destroyed tribal connections, traditions, and cultures, ultimately tearing families apart.

4. The Indian Adoption Project (1958-1967)

As the establishment of Indian boarding schools began to slow in the latter half of the twentieth century, a new governmental project emerged that aspired and continued to place populations of Native children with mostly white families. This project was known as the Indian Adoption Project. While the adoptions seemed to be “rescuing” children from unstable households, the often forced removal ripped families and tribal communities apart and placed the Native children into homes that were frequently abusive. These practices were an extension of the goals and outcomes of the Indian Boarding School System.

Lasting from 1958 to 1967, the IAP sought to place Indian children into non-Indian families, as part of an early wider trend in transracial adoption. In September 1958, the Child Welfare League of America (CWLA) and the Bureau of Indian Affairs (BIA) agreed on developing a project for Indian children seeking adoption (Note 37). The program’s director, Arnold Lyslo, described the project as “an effort to stimulate on a nationwide basis the adoption of supposedly homeless American Indian children by Caucasian families (Note 38).” There were many programs designed for the adoption of children with special needs—for example, disabled children, children part of minority racial groups, and those that are of older age. However, Lyslo argued that the main issue was that the Indian child was like a “forgotten child.” (Note 39) In other words, there was no organization to search for families who would be interested in adopting Indian children.

However, the image of the “forgotten child” soon grew as a theme at the center of Indian adoption and treatment in the twentieth century; many white families, schools, and organizations soon used this image as justification for the perceived mistreatment. The predominantly white families who participated in the program believed they were saving Indian children by adopting and exposing them to American culture, which was a vast difference from their upbringing. As a result, the children would slowly become Americanized.

Another motive for the IAP was the perceived instability and lack of a proper upbringing after out-of-wedlock births. In the *Child Welfare Journal*, Lyslo argued that the “forgotten child” is left “unloved and uncared for on the reservation, without a home or parents of his own (Note 40).” He acknowledges that the child may be brought home and cared for by either the unwed mother, her family, a relative, or even the tribe; however, the BIA has found that instead many of these children are “left to run loose on the reservation,” without a solid plan for the future or supervision for them (Note 41). In a

1959 update, Lyslo explains how any Indian child with twenty-five percent or more Indian blood may be referred to the IAP, if physically and emotionally adoptable; although a few off-reservation children had been adopted, the primary objective was to target children whose residence was on the reservation (Note 42). Thus the IAP sought to eliminate this uncertainty after out-of-wedlock birth in children's lives.

To accomplish its goals, the IAP had to work in concert with a wide variety of institutions and organizations. In all, there were fifty adoption agencies, private and public, that participated in the IAP (Note 43). Lyslo stated that the Louise Wise Services of New York City and the Children's Bureau of Delaware, Wilmington, were experiencing a large flow of Indian children during the project (Note 44). This increased flow of children in the program reassured Lyslo that the project was turning out to be successful.

After almost two years, the IAP proved to be seemingly successful because interest in Indian adoptions increased and more children were removed from uncertain living conditions to welcoming families. In a one-and-a-half-year update on the project, Lyslo stated that "the IAP has proved a stimulus towards early permanent planning for Indian children"; there had been reports indicating that due to the interest shown in Indian child adoptions, "action has been taken more promptly to remove Indian children from neglect situations (Note 45)." This project report asserted that the outcome of their adoptions had proven to be optimistic. However, according to first-hand accounts of children who went through adoption placement, this enthusiasm was not the case. Sandy White Hawk, a Sicangu Lakota of the Rosebud reservation in South Dakota, later reflected in 2002 that "unfortunately, their answer to extreme poverty was to tear our families apart...I imagine they did save the lives of some kids. Maybe some of those kids would have died because of sickness. But we lost something that was at the very center of our culture—family and extended family (Note 46)." The involuntary separation of families was a large issue during late twentieth-century Native American adoption. Indian family life was different from white American family life, especially regarding gender and sexual norms; as a result, Native identity was lost amidst the separations of families, leaving many children with no choice but to adapt to the vastly different American lifestyle. In addition, Historian Margaret D. Jacobs stated that "adoption had become a significant way to bolster the postwar nuclear family ideal," laying emphasis on the rise in popularity of building stereotypical American family structures (Note 47). In White Hawk's adoptive home, she explained that her mother believed it was her calling to take in and rescue children (Note 48). This paternalistic idea of adopting Indigenous children as a means of saving them resonated in a lot of white households; adoptive parents would simultaneously be fulfilling their own desires and visions of creating a family. White Hawk also experienced sexual and verbal abuse from her "increasingly unstable mother," which was common in a lot of adoptive households, along with feelings of isolation, fear, and difference (Note 49). All of these states combined fostered degrading living conditions that were the opposite solution parents were searching for and led to a life far worse than imagined.

The results of the IAP were demonstrably more harmful than beneficial, since while many children may have been placed in adoptive families, the households were mainly restrictive and abusive. After nine

years, the IAP had missionaries or social workers place 395 Native American children from across sixteen western and Great Lake states with white families in many eastern and midwestern states; tribal officials and family members were often excluded from placement decisions (Note 50). These eastern destinations included Illinois, Indiana, New York, Massachusetts, and Missouri (Note 51). The East was thought of as having many adoptive opportunities and agencies, although fourteen children were adopted by southern families, and one child was adopted in Puerto Rico (Note 52). The goals for the IAP were clear; since it was believed that an estimated 1,000 children “were in foster care or informal kinship care on reservations racked by poverty and destitution,” adopting the children was a means of saving their lives. But this “saving” came at an immense cost to Native communities and families.

In 1967, reflecting upon his work on the IAP, Lyslo stated that one could no longer say that the Indian child was a forgotten child. Lyslo believed that the IAP was successful in the “improvement of all social services to Indian children and their families (Note 53).” Now, children could no longer remain in situations of neglect simply because there were no other plans available—the IAP created immense opportunities for families in need. Further, Lyslo explained that the children who left their reservations for adoption through the IAP had been pleased with the Eastern families’ kind reception and quality. However, first-hand accounts continue to reinforce the fact that this was often not true; Lyslo and other leaders in the project ensured that the children’s experiences were positive and impacting on their lives, in order to eliminate parent concern and support the larger trend of acculturation and assimilation. In addition, at a BIA Conference, Margaret Lampe, an adoption consultant for the South Dakota State Department of Public Welfare, reported that the “number of Indian children referred to the welfare department for services has increased tenfold.” (Note 54) While remaining passionate and boasting about the project’s success, Lampe failed to acknowledge the service’s permanent effects on tribal sovereignty and community. Many supporters of the IAP tended to focus on the immediate results of the project and reports from adoptive households; however, the truth lay in the Native survivors who exposed the long-term physical and psychological effects of Indian adoption.

Although the IAP came to an end in 1967, the CWLA developed the IAP into the Adoption Resource Exchange of North America (ARENA). This program had similar goals to the IAP and was devoted to finding homes for hundreds of hard-to-place children with non-Indian families until 1978.

4.1 Adoption in Mormon Communities

The impulse to adopt and assimilate Indian children was also found outside the IAP, sometimes in tight-knit religious communities such as the Mormon people. The Mormon Church participated in the trend of placing Indian children in white families, along with other religious groups such as Catholic, Lutheran, and Jewish groups (Note 55). According to Historian Margaret D. Jacobs, Mormon families “become some of the most likely families to foster (and perhaps adopt) Indian children due to the unique place of American Indians in Mormon prophecy, long historical precedent, and the Indian Student Placement Program (Note 56).” The Book of Mormon regards Indians as “Lamanites,” or lost Israelites

whose fall from grace has led God to curse them by making them with dark skin (Note 57). As a result, Mormons felt they had an obligation to spread the gospel message to the Indians.

When the Mormons first settled in Utah, they partook in an existing slave trade—purchasing and trading enslaved Indian children from Indian or Mexican slave traders (Note 58). These Indian children would be brought to religious leader Brigham Young who advised his followers to buy the Indian children as fast as they could, educate them, and teach them the gospel. Young justified his actions by arguing that they were “essentially purchasing them into freedom instead of slavery (Note 59).” This justification was similar to the notion of the forgotten child in the argument of many white families—adopting Indian children was a means of saving them. Regardless of whether the Indian child removal was “exploitative or benevolent,” the incorporation of Indian children into Mormon homes largely contributed to the displacement of Indians from their land, and in return, Mormon families sought to settle and develop on these same lands.

In the early twentieth century, Mormon interest in Lamanite salvation decreased while the Church expanded its social services and child welfare program (Note 60). Mormon women established the Relief Society, which was a progressive organization that focused on out-of-wedlock births, and maternal and child health. Soon after the society developed a Social Services and Child Welfare Department and was granted a license by the state of Utah for adoption placing in 1927. This organization soon became the “primary intermediate between Indian families and white Mormon families who fostered or adopted Indian children (Note 61).” Their role of placing Indian children into white Mormon families significantly increased after World War II because there was a rise in unwed pregnancies mainly among white middle-class girls. As a result, adoption was often promoted as a solution for the infant to have a stable environment and for the young mother to recover from “perceived moral failings (Note 62).” The motives for adoption during the postwar era reflect many of the motives for the IAP—unstable households, out-of-wedlock births, and poor environments.

Lastly, the Relief Society was also involved in the Latter-day Saints’ Indian Student Placement Program (ISPP). The ISPP placed an “estimated thirty thousand to fifty thousand Indian children with white LDS families for at least nine months of each year while the children attended local schools in Mormon communities,” between 1947 and 1996 (Note 63). This program overlapped with the IAP and bolstered similar motives with American assimilationists during the timeframe; both programs declared that Indians must assimilate. Further, both programs shared similar justifications for Indian child removal; according to Jacobs, “Indian child removal also mirrored common American narratives that characterized the placement of Indian children in white families as a humanitarian act of reconciliation (Note 64).” For Indian families, a number of benefits pushed them to allow their children to participate in the ISPP; many believed the program was an opportunity for their child “to deepen their spiritual commitment,” while simultaneously obtaining a better education (Note 65). However, many of these families were not prepared nor aware that these schools were simply part of a larger, nationwide trend of assimilating Native populations.

5. The Indian Child Welfare Act (1978)

Even as the IAP and eventually ARENA continued the trend of separating Native children from their tribes and families, community advocates and scholars continued to argue for the importance of family integrity. In 1965, anthropologist Nancy Lurie emphasized the importance of extended family in Indian culture; this was the “major and persistent cultural difference between Indians and non-Indians and the basic building block of tribal organization.” (Note 66) Unfortunately, many misunderstood the Indian way of life. Besides fracturing extended families, the IAP took advantage of Indians’ lack of education on modern government policies and legal proceedings. Another anthropologist, Pauline Turner Strong, explained how many separations of Indian children were “carried out without regard to the rights of either birth parents or tribes.” In other words, Strong essentially stated that the Indian birth parents did not understand documents and proceedings, were threatened with the loss of welfare benefits, and failed to be represented by counsel, nor advised of their rights (Note 67).

As complaints from Native parents and the input of scholars and activists grew stronger, Congress eventually realized it needed to intervene. In 1977, U.S. Senator James Abourezek introduced the Indian Child Welfare Act which advocated for Native children’s rights and tribal jurisdiction in legal proceedings; it became federal law in 1978 (Note 68). The ICWA’s purpose was “to protect the best interest of Indian Children and to promote the stability and security of Indian tribes and families by the establishment of minimum Federal standards for the removal of Indian children and placement of such children in homes which will reflect the unique values of Indian culture (Note 69).” The ICWA applied to cases involving an Indian child—a term referring to those who were unmarried, under the age of eighteen, and “a member of a federally recognized Indian Tribe or Native Alaskan Village, or eligible for such membership *and* the child of a [tribe] member (Note 70).” It is important to recognize however that “in order for ICWA to apply, the child must be a member of, or eligible for membership in, a federally recognized tribe (Note 71).” The act made the process of Native American children being adopted by non-native parents extremely difficult, in turn protecting these American Indian and Alaskan Native families. If an Indian child must be placed in a different home, the ICWA presented “placement priorities,” in order of preference, which included “a member of the Indian child’s extended family; a foster home licensed, approved, or specified by the Indian child’s tribe; an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or an institution for children approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the Indian child’s needs (Note 72).” In regards to adoption priorities, in order of preference include “a member of the child’s extended family; other members of the Indian child’s tribe; or other Indian families (Note 73).” An important note is that, however, under ICWA, “the child’s tribe may adopt a different order of placement priority, in which case the court must follow that order (Note 74).”

Clearly, this act intended to return more authority and choice to Native communities in order to protect against the harsh separation of families and to protect the rights and sovereignty of the Native parents and children. Founded in 1983, the National Indian Child Welfare Association (NICWA) states, “At the time

[of its passing], not only was ICWA vitally needed but it was crafted to address some of the most longstanding and egregious removal practices specifically targeting Native children (Note 75).” Importantly, the ICWA emphasized the importance of an Indian child being raised and immersed in his or her own culture, hence the preference for placement decisions giving privilege to members of the child’s extended family first and foremost. These actions uphold the ICWA’s commitment to protecting the “best interest” of the Indian child.

Another critical part of the ICWA is that it “guarantees Indian children who have been adopted out of their tribes the right to information on their heritage (Note 76).” This information can include their own name and tribe, names of their birth parents, and identities of any agencies that may have information regarding their adoption. While these resources clearly demonstrate the commitment to the Indian child’s “best interest,” the transparency and rights granted to the adoptees more importantly highlight the significance of a child’s connection with their origins and heritage. As Strong argues, the priorities in Indian adoption and rights detailed in the act “[emphasize] the child’s right to a cultural identity...the ICWA recognizes the harm that can be done to a child by denying knowledge of and access to that identity (Note 77).”

In regards to Indian tribal jurisdiction in child custody proceedings, the ICWA states that “an Indian tribe shall have jurisdiction exclusive as to any State over any child custody proceeding involving an Indian child who resides or is domiciled within the reservation of such tribe, except where such jurisdiction is otherwise vested in the State by existing Federal law (Note 78).” In other words, the ICWA gave tribal courts jurisdiction over cases involving American Indian and Alaskan Native children. Tribal court is a term referring to a court that oversees cases involving Tribal members (Note 79). Note that “child custody proceedings” refer to foster care placement, termination of parental rights, pre-adoptive placement, and adoptive placement under the ICWA (Note 80).

Despite these protections afforded by ICWA, ongoing disagreement regarding tribal jurisdiction, especially over Native children not born on a reservation, came to the forefront in the complicated 1989 United States Supreme Court case, *Mississippi Band of Choctaw Indians v. Holyfield*. One of ICWA’s main focuses was to protect Indian children and tribes from the “detrimental effect of [removal] practices,” by giving tribal courts jurisdiction over cases involving children who “reside or are domiciled on the tribe’s reservation (Note 81).” This Supreme Court case further investigated the specific clause regarding domiciliation.

J.B. and her unnamed husband were both members of the Mississippi Band of Choctaw Indians. More importantly, they were “domiciled on the Choctaw reservation in Neshoba County, Mississippi (MS) (Note 82).” Domiciliation refers to “the act of making a particular country your legal home or place of business (Note 83). In December 1985, she gave birth to twins in Harrison County, MS, and proceeded to arrange for adoption. The adoptive couple, Orrey and Vivian Holyfield were not Indian. The following January, a Harrison County chancery court issued an adoption decree, solidifying the Holyfields as the twins’ adoptive parents (Note 84).

However, two months later, the Choctaw tribe requested the chancery court to “vacate the decree,” in an act of asserting their rightful and exclusive jurisdiction over the adoption proceeding, under the ICWA (Note 85). The chancery court denied the request claiming that the Choctaw tribe did not have exclusive jurisdiction because J.B. had deliberately traveled to Harrison County, 200 miles away from the reservation, to give birth, and that she also had voluntarily agreed to the adoption. In addition, the court argued that the twins never set foot on the reservation. The Mississippi Supreme Court affirmed and recognized that the jurisdictional question laid in whether or not the “twins were domiciled on the Choctaw Reservation (Note 86).” The court argued that the Indian twins were “voluntarily surrendered and legally abandoned by the natural parents to the adoptive parents,” and the biological parents even went out of their way to ensure that the birth was in Gulfport Memorial Hospital in Harrison County, Mississippi (Note 87). Thus, the twins’ domicile was in Harrison County and the court could exercise jurisdiction over the adoption proceedings; in other words, tribal jurisdiction had no say and the court did not need to oblige to its requests—such as vacating the decree. Importantly, it has been made clear that “none of the provisions of the ICWA was applicable (Note 88).” As a result, the U.S. Supreme Court granted a plenary review of this case.

Justice William J. Brennan delivered the opinion of the Court, stating that the Mississippi Supreme Court was in the wrong by supporting the non-reservation birth of the twins and using the fact that they never lived on the reservation to justify their domiciliation. Although the twins never stepped foot on the Choctaw reservation, both parents resided on the land. The Supreme Court stated that while the Mississippi Supreme Court’s argument that at no point the twins were domiciled within the reservation, was “a correct statement of that State’s law of domicile,” it was inconsistent with the “accepted doctrine in this country” and was not Congress’ intent when using the term in the ICWA (Note 89). The U.S. Supreme Court argued that tribal jurisdiction was implemented in order to address concerns about the interests of Indian children and families, but also recognize the impact of Indian adoption (by non-Indian families) on their tribes (Note 90). In this case, the U.S. Supreme Court ruling established that the ICWA was not only protecting the individual interests of the children but of the tribe as a whole. This assertion was extremely important in recognizing the larger impact that Indian removal has had on the sense of community and belonging in the reservation.

In addition, the U.S. Supreme Court stated that “permitting individual members of the tribe to avoid tribal exclusive jurisdiction by the simple expedient of giving birth off the reservation would, to a large extent, nullify the purpose the ICWA was intended to accomplish (Note 91).” In other words, if tribal members were permitted to travel to a different jurisdiction in order to give birth and avoid tribal jurisdiction, then it would effectively go against ICWA’s policies. Since ICWA’s primary goal is to be in the best interest of the child and promote tribal identity, evading jurisdiction would undermine ICWA’s goal.

As a result, the U.S. Supreme Court ruled that the “law of domicile Congress used in the ICWA cannot be one that permits individual reservation-domiciled tribal members to defeat the tribe’s exclusive jurisdiction by the simple expedient of giving birth and placing the child for adoption off the reservation

(Note 92).” Since the twin infants were domiciled on the reservation when adoption proceedings began, the Choctaw tribal court possessed exclusive jurisdiction and the Chancery Court of Harrison County did not possess jurisdiction to enter a decree of adoption. Under ICWA, the decree must be vacated (Note 93). By siding with the tribal court, the U.S. Supreme Court set an example of protecting the interests of Indian children and reinforced the belief that Indian child removal was harmful to Native tribes and family structures.

6. Conclusion

Although the ICWA continues to protect Native children and retain familial and tribal sovereignty, the other long-lasting effects of the boarding school system and IAP—loss of identity, posttraumatic stress disorder, isolation, and even in some cases, suicidal tendencies—remained unresolved (Note 94). Are there ways that the U.S. could support Native Americans in regaining connection with other survivors and receiving closure for centuries of horror and mistreatment? One solution to alleviate the pain and hear from survivors of these Indian removal and separation practices was the Road to Healing Tour. In May 2022, Deb Haaland announced the Road to Healing Tour: “a year-long tour traveling across the country to allow American Indian, Alaska Native, and Native Hawaiian survivors of the federal Indian Boarding School System the opportunity to share their stories, help connect communities with trauma-informed support, and facilitate collection of a permanent oral history (Note 95).” One of the goals of this tour was to recognize the harmful policies in Native American assimilation and gather the truth and harsh realities of these practices. As stated by the U.S. Department of Interior, the Indian boarding school system deployed systematic militarized and identity-alteration methodologies in an attempt to assimilate American Indian, Alaska Native, and Native Hawaiian children through education, including but not limited to renaming Indian children from Indian to English names; cutting the hair of Indian children; discouraging or preventing the use of American Indian, Alaska Native, and Native Hawaiian languages, religions, and cultural practices; and organizing Indian and Native Hawaiian children into units to perform military drills (Note 96).

Recognizing the boarding schools’ policies and actions is vital in understanding why processes such as the Road to Healing are necessary. Many Native children left the boarding schools as physically different, but more importantly, emotionally lost; their new, forced physical appearance made many students feel disoriented, confused, and in need of guidance.

Government support and direction throughout this healing process have been vital in rebuilding Native communities, bringing survivors together through their experiences, and preserving tribal languages and cultural practices. Haaland states that “The Department’s work thus far shows that an all-of-government approach is necessary to strengthen and rebuild the bonds within Native communities that federal Indian boarding school policies set out to break.” (Note 97) Here, it is important to stress the “all-of-government approach”; while survivors continue to heal and bond together, ultimately it is left to the government to use their power differently than from the past. Instead of continuing the pain and exasperation endured by

thousands of Native people, the government could instead use its power to fund programs such as the Road to Healing tour, and other organizations that aim to rebuild Native communities and survivors. As of 2022, Haaland, along with presidential support and direction, has already started to “preserve Tribal languages, invest in survivor-focused services, and honor [their] obligations to Indigenous communities (Note 98).” It is optimistic to see full-fledged support of driven leaders and government support in these tough processes to preserve the Native heritage.

In conclusion, assimilation and Indian child removal practices originated in the 1600s, long before the U.S. became a nation. These trends continued well into the nineteenth and twentieth centuries through federally funded programs, such as the Indian Boarding School System, the outing system, the IAP, and the ISPP. Common to all these organizations was the assumption that Indians were a weak, incapable, and uncivilized group of people and a strong belief that the only solution would be to integrate them into society as Americans. These systems went largely undetected for long periods because of the government funding and support they received; only within the past fifty years has legislation been passed to protect Native American families and tribes. Laws such as the ICWA set forth an image of supporting the Native child’s best interest and serve as a demonstration of how the federal government should be treating Indians—by using its power to support legislation protecting tribes.

The Road to Healing tour is only one solution to address the immense pain and detrimental effects that the U.S. has caused on Natives over the past few centuries. It is vital that in recognizing this pain, there is continued support for legislation regarding Native tribal interest and protection and acknowledgment for the thousands of unmarked burial sites of American Indians across the country. Most importantly, government support in legislation such as the ICWA, which was reaffirmed in the 2023 Supreme Court decision *Haaland v. Brackeen*, makes the future of Native American protection look optimistic (Note 99).

Notes

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Note 14. Newland, "Federal Indian Boarding School Initiative Investigative Report," 1.

Note 15. "Richard Henry Pratt: 1840-1924," accessed July 27, 2023, http://chronicles.dickinson.edu/studentwork/indian/2_pratt.htm.

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- Note 30. Bureau of Indian Affairs, "List of Federal Indian Boarding Schools," 1.
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- Note 47. Jacobs, "Remembering the 'Forgotten Child,'" 141.
- Note 48. Kreisher, "Coming Home," 10.
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- Note 50. "Adoption History: Indian Adoption Project."
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