

Child should be with tribe

By Paul Swetzof

For the Tundra Times

Nothing confirms the need for maximum Native self-government as the recent State court decision granting custody of a Yup'ik child to the non-Native boyfriend of the child's mother. State Judge Cordle, in making his reprehensible decision, ignored the cultural needs of the child's tribe and the personal wishes of the child. The spirit, and probably the letter, of the Indian Child Welfare Act (ICWA) was ignored by the court.

This is one of those instances when everything should have right. The child's tribe met and determined the welfare of the child and the tribe would best be served if the child were placed in the care of his grandparents in the village. The child stated, in clear terms, he wanted to remain with his

grandparents. The tribe consulted and tried to work with the State.

Thanks to Judge Cordle, everything went wrong. He issued an order the boyfriend of the child's mother be granted custody. The judge ignored the tribe's wishes and the laws of

the people. In essence, he spit in the collective cultural faces of Native people. The State Troopers were ordered to get the boy out of the village to remove the child by force if necessary. The only shred of dignity left in the process was

Continued on page 6

● We live in a new day

Continued from page 3

represent my race, which I had no connection to or background on.

When I started into my high school years, my brother entered parenthood and because he was still considered a minor he had to get parental consent to marry. It was at this time, the Riverside County court system allowed my brother to go to our mother (who lived only 25 miles away) for her consent. I was 22 years old before I was ever told of this 15-minute visit. I withered when my brother told me he had hugged our mother and although he and our mother had little to say, it was enough to sustain him for the rest of his life. My mom died two years after my brother's visit. I never saw her.

With hindsight there was light at the end of that tunnel I was traveling through. Unbeknownst to me, I had an older sister and a brother older than all of us. Through our Cahuilla networking system, my sister

heard of my brother's visit with our mother and with her diligence, she arranged a visit through the County of Riverside. My Cahuilla life began again 15 years after it had abruptly ended.

The emotional and psychological pain of my childhood experience cannot be imagined. Situations like mine were why agencies like California Indian Family Services were created and why laws like the ICWA were implemented. Had there been an agency concerned with and knowledgeable of the needs of the Indian population, my brother and I would still speak our language, would have time to enjoy the company and guidance of Elder relatives we are now burying and I would have been able to hold my head high with self-assurance, as my daughter does today.

There is an absolute need for the judicial system to support and uphold the ICWA to prevent atrocious situations like mine

from ever happening again to any of our Indian children.

Historically, Native children have been taken from their families by federal, state and private agencies in numbers which far exceed those of non-Native children. In some states, records show adoptive and foster placements of Native children occur 19 times more frequently than for non-Native children. The impact of this disruption in Native family life has been to strip Native children of their cultures and traditions, a trauma which often does not heal, impeding the development of positive self-worth and sometimes preventing entirely. Native children placed in non-Native homes often feel rootless. In adolescence or when they leave the non-Native family, they may find they are either Native or non-Native. These rootless feelings often led to acute

hopeless and powerless feelings closely associated with abandonment and stressful loss. The result is often self-destruction.

I believe we live in a new day where we now have a choice to not subject our children to these types of risks. We are more aware of what happens to them when they lose contact with their own people. We are not a silent people anymore. There are many inspiring examples of where we raise our collective voices to be heard when an issue or incident is unacceptable to us. Let us not deny these children their identity. Let us honor their cultural identity as a birthright, ordained by God. Cultural diversity exists and could be celebrated and within ours, we should think seriously of setting in place long term, permanent safeguards to protect our future generations' link to our own. The opportunity is here. The resources are accessible. But do we have the will? I am but one person. And this person is driven by a vision of a strong, resilient Native people who will come to that time when we say, 'No more. You have taken our land. You have taken our Elders' rightful roles to educate our children. You continue to take our resources and our access to