

Social Work or Social Control: Power, and the Values and Contradictions in Social
Work Practice and the American Indian

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The Clinical Research Project is a graduation requirement for MSW students at St. Catherine University - University of St. Thomas School of Social Work in St. Paul, Minnesota and is conducted within a nine-month time frame to demonstrate facility with basic social research methods. Students must independently conceptualize a research problem, formulate a research design that is approved by a research committee and the university Institutional Review Board, implement the project, and publicly present the findings of the study. This project is neither a Master's thesis nor a dissertation.

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Abstract

Illustrations of the contradictions that exist between values in social work discourse and practice, within the context of power and social control will be examined, utilizing a case example: early federal legislation, the Indian Adoption Project 1958-1967, and contemporary Indian Child Welfare Act. Through the use of a critical analysis, this paper will highlight the ways in which Native American families were not in a position to combat social welfare intrusion within a historical context.

Keywords: power, social control, deviance, Indian child

Acknowledgments

The land that I come from does not have lush green grass, nor is it a place that most would care to visit. The land that I come from does not have lakes or rivers and is a place that most would rather ignore. The land I come from does not have grocery store aisles lined with GMO-free food items and is a place that hosts long lines during the beginning of each month, outside of the commodity food distribution warehouse. The land I come from is a land full of those that never left and were always there. The land I come from is not mentioned in most history books but has soil that crumbles red, stained with yesterday's secrets that White America would rather I not speak on. Thank you, Universe. Thank you, Creator. To all of my reminders--that the land I come from is full of people, like me, that dream proud in reds, yellows, blacks and whites.

“You have to look deeper, way below the anger, the hurt, the hate, the jealousy, the self-pity, way down deep where the dreams lie...find your dream. It's the pursuit of your dream that heals you.” –Billy Mills, Oglala Lakota

Social Work or Social Control: Power, and the Values and Contradictions in Social Work Practice
and the American Indian

Social welfare in any society has two major priorities or purposes: social treatment and social control (Day & Schiele, 2013). Since the inception of social work, American values have shaped social welfare paradigms, goals and expectations of recipients of social welfare, and have directed the agent of change (e.g., individual vs structural) as well. These values and paradigms are shaped largely, by those in power, creating a standard, or norm, that is not applicable across groups, creating contradictions between values and practice. In the United States, a White, middle-class majority has shaped societal goals and expectations for its members since the beginning of its formation, with social workers functioning as brokers, advocates, and assemblers (Wenocur & Reisch, 2001). Society, thus grants social workers permission to, “...force marginalized, deviant, and vulnerable clients to conform...” (Dolgoff, Loewenberg, & Harrington, 2012, p. 75). Since the beginning of the conquest and settlement of North America, Native Americans have been the target of policies and practices at the hands of the “State” (i.e., United States government) that utilize methods of social control. Through the use of a critical analysis, this paper will illustrate the contradictions that exist between values in social work discourse and practice, within the context of power and control, across macro and micro levels. These contradictions appear to have persisted over time within the context of North American Indians within the United States, utilizing a case example: early federal legislation, the Indian Adoption Project, and contemporary Indian Child Welfare Act.

Social Welfare Practice & Social Control

Contemporary social work discourse often highlights an intersection between sociological perspectives and psychological theories of human behavior (Hutchinson, 2015).

Dialogue surrounding the roles that social workers fulfill in relation to their clients within the context of power, class and race dynamics appears to be limited. Social control may be conceptualized through the application of critical theory tenants; social order and the distribution of power perpetuates existing social structures that capitalize on sexism, race and class differences to maintain social order and social structure (Salas, Sen, & Segal, 2010). For the purpose of this paper, the “State” may be understood as the United States government, as well as the institution of social work practice. Utilizing the works of Marx (as cited in Rodger, 1988), Foucault (1977) and Berstein (1981), a conceptual framework will be constructed to examine the effects of social control within the context of social work practice, followed by a discussion surrounding the long and entangled history between the State and the American Indian.

Sociological discourse surrounding social control within the context of institutions and control of “deviant populations” have long studied the way that social institutions shape policy and welfare as a means of maintaining the status quo and offering protection for those in positions of power. The relationship between power and the social control of those belonging to groups deemed as “deviant” have often been underscored within the writings of philosophers and theorists examining labor relations, access to goods and services and the penal system. The application of a Marxian theory suggests that the management of deviant, or problem populations, is critical in a capitalist structure in that it legitimizes the maltreatment of these groups due to,

“...the contradictions inherent in the capitalist mode of production give rise to a range of displaced and problem groups whose behavior, personal qualities and economic dependency threaten the social relations of production. By stealing, refusing to work, playing truant or indulging in illegal drug use, some people challenge both the values of a capitalist society and its dominant modes of social organization” (Spitzer, 1975, p. 658).

These groups place themselves in a position in which institutions of welfare and penalty act as enforcers of social norms, placing social work at the crux of social control and behavioral modification or conformity, acting as an apparatus on behalf of the state and those in positions of power. Marx highlights the early manifestations of social control, wherein the agent of force or power is located or found in the ruling class, and problems occur when challenges arise that threaten production. However, Foucault conceptualized power and the use of social control as being less centrally located, but rather, dispersed within institutions across society and existing within social relationships within the context of access to knowledge, or multiple truths (Foucault, 1977, as cited in Rodger, 1988; Miehl, & Moffatt, 2000). This highlights a shift found in the nineteenth century wherein welfare institutions became the central intervention, previously held almost exclusively by the penal system (Foucault, 1977, as cited in Rodger, 1988; Miehl, & Moffatt, 2000). The management of deviance has experienced drastic shifts in the agent of control, similar to the shifts experienced through the professionalization of social work.

Rodger (1988) posits that there has been a shift in the way that deviance control is carried out by the state, manifesting in three major stages; first, the decline of punishments which inflict physical pain to the body, central of pre-eighteenth century; the emergence of imprisonment as penalty for deviant populations, separate from charitable welfare functions, in the nineteenth century; followed by a gradual but unrelenting movement towards “institutional differentiation and decarceration of deviant populations through the twentieth century and continuing in the contemporary period...” (Rodger, 1988, p. 563). Foucault (Foucault, 1977, as cited in Rodger, 1988) projected that contemporary penal institutions are not often the penitentiaries themselves, but, are immersed within communities, manifesting in social welfare programming. Access to

knowledge and the conceptualize of identity, often shaped by power dynamics that exist within society now serve as a means to social control.

Disciplinary power or control, is now often found in social welfare institutions, whose aim is to condition people for productive membership within society and exercise control against those who deviate from the established norm or patterns, shaped by those in positions of power. Examining the work of Bernstein (1981), whose work emphasized the way social control manifested in language and social structure within the context of education, developed a theory of codes that underscored the distribution of power between teachers and their pupils. This analysis is applicable to the analysis of the relationship between social work and client systems, as similarly to pedagogic relationships, power dynamics, legitimized knowledge, and positions of authority are present.

Bernstein (1981) argued that individuals acquire and make relevant meaning through contextual codes based on, “collection” codes, the actual context or subject of the information or teaching, and “integration” codes shaped by the status or relationship between the individual disseminating, or teaching the subject and those receiving it. The boundaries of a particular pedagogic relationship are shaped by the perception of the position of power that the teacher holds, with more “expertise” or stronger knowledge bases experiencing stronger positions of perceived authority (Rodger, 1988). Here, Bernstein’s work can be conceptualized through Foucault’s descriptions of discourse, which highlights that ways that historical variables specify knowledge or truth and how these function as rules or norms that help shape perceptions of social identity and the identity of others (Powell & Khan, 2012). This is demonstrated in the various ways that we tend to group individuals to group membership and using Bernstein’s example of pupil and student, the classification of those belonging to group membership,

“teacher” and those belonging to group membership “pupil” shapes the assumptions that one might make in relation to knowledge and perception of possessed knowledge and power. Social identity is then, a manifestation of the ways that power and control have been constructed; “...Foucault conceives of power in contemporary social relationships and such that power is exercised everywhere in a continuous way. Similarly, knowledge we have about each other is constructed in the discourses and practices of our relationships” (Foucault, 1979, p. 80, as cited in Powell & Khan, 2012). Similarly, within social work practice, individuals are often grouped in to larger group memberships, whose identity and characteristics have been shaped and normed through a number of historic and contemporary variables. Power is then operated by professional social workers through institutions and individual face-to-face interactions and relationships between the professional and individual; this power may be legal, moral, or economic (Dolgoff et al., 2012). Pragmatic examples of this power are visible by the way that social workers often control access to services on the basis of clients meeting specific behavioral expectations, demanding individual adherence to case plans at the risk of losing family members, and the position of power held within therapeutic relationships while engaging with vulnerable clients.

Using the concept of Berstein’s (1981) collection codes within the context of social welfare, one might argue that a process once governed by charity workers within settlement houses, has also shifted. The professionalization of social work resulted in a shift from community-based charity houses, staffed by volunteer staff, centered on structuralist theory, in which “poverty is explained in terms of the conditions under which the poor live” to a medical-model of casework, shaped by pathology theory, in which poverty is explained, “...personal shortcomings of social work clients...: and dominated by paid staff with specialized expertise

(Rodger, 1988, p. 570; Wenocur & Reisch, 2001). Social work, concerned with the context, or social environment of an individual conceptualizes dysfunction as the result of a number of variables based on an ecological theory framework (Hutchinson, 2015). However, contemporary social work practice, outside of macro-work, often places an emphasis on individual-based interventions, leaving larger, societal injustices and oppressive practices for another discourse, or discipline (Salas et al., 2010). The result of a highly standardized approach, rooted in empirical research, placed social work in a position of high-competence and changed the boundaries, between client and social worker. Shifts in the standardization of service delivery and detailed record-keeping and documentation requires consistent communication and engagement on the part of the client, unfamiliar with language and acronyms used within social welfare programming, creating a “power-dependence” relationship in which clients rely on their relationships with social workers to gain access to services. (Hasenfeld, 1987, p. 437). This approach, or case management perspective, shaped by White majority societal norms and values, directs that agent of change within social work practice. The medical-model of contemporary social work places an emphasis and priority on assessment and diagnosis in which the agent of change is the individual and highlighted a divergence between macro- and micro-level practice (Wenocur & Reisch, 2001). Individuals that fall outside of the “norm” are faulted for what must be individual character flaws, an inability to follow the treatments prescribed by society, or, social welfare. A demand for standardized methodology and the commodification of the product of social work promoted casework, or individual-based intervention as a method of choice (Wenocur & Reisch, 2001).

Caseworkers conduct inquiries with families and then offer potential solutions, or treatment plans, directing social work interventions towards the personal, rather than structural

reform (Wenocur & Reisch, 2001). A demand for expertise within the field of social work, alongside advances in technology and the implementation of the medical model of social work, called social work to obtain degrees within secondary education. The status of clinical social work placed practitioners amongst some of the most highly educated individuals within the United States, granting them the position of welfare “gatekeepers” and “assessors of dysfunction”, creating a divide between those that implement interventions and those that receive it (Dominelli, 1996). After World War I, social work was legitimized using a business model and with help from financial federations. Financial federations allowed social work to be marketed and were based on a business model, which helped legitimize social work to the general public and potential funding sources. That is, according to Wenocur & Reisch (2001), settlement houses failed to do a number of the things that social work (i.e., casework) did, one of those, being the failure to align themselves with financial federations. Settlements was therefore not institutionalized after World War I, like informal education, recreation, the arts, and group work were. Relationships once based in charity and benevolence, characterized by mutual interest and collaboration, are now experienced as nonnegotiable, with social workers negotiating what resources the state will offer, under what conditions, and the desired outcomes that need to be demonstrated in order to continue to qualify for services (Wenocur & Reisch, 2001; Hasenfeld, 1987).

Social workers are often employed to offer assistance to client systems with a desired outcome for higher levels of functioning. The assessment of functioning and applicable intervention is often based on the conception of “normalized” behavior or expectations of typical functioning within society (Hutchinson, 2015). Foucault (1979) referred to this process as “disciplinary practices” and is a form of regulatory power, producing expectations surrounding

“normal;” often enforced by those one is expected to defer power to (e.g., parents, government, law, teachers, etc.), through the use of commands, orders, recommendations, approval and disapproval, etc. (Webb, 2000). These disciplinary practices are ways by which power is exercised throughout society, often manifesting in social relationships. Social workers rely on power of expertise, which is derived from their access to and command of specialized knowledge. Second, they use referent power, emanated from the development of empathy, trust, and rapport with clients. Third, they evoke legitimate power, which is an appeal to dominant cultural values and authoritative norms (Hasenfeld, 1987). Social work occupations often place them as gatekeepers to services offered by the State; case managers engaging with clients to obtain adequate housing, access to the tools necessary to apply for general assistance; therapists placed in positions to investigate client behavior and develop assessments, labeling individuals as “disordered;”; macro-level policy advocates that pursue social justice issues that are deemed as “worthy” of pursuit are all examples of the ways in which social work is utilized as a tool to shape and control populations that deviate from society’s norm. Historical and contemporary pragmatic examples of the contradictions that exist between values and practice can be highlighted by Salas et al. (2010) and include the Temporary Assistance for Needy Families (TANF) program. The projected aim of the program was to empower women to obtain gainful employment, however, numerous participants struggled to meet program requirements, did not receive adequate education or job training and continued to be stigmatized. Historical practices of public assistance programs are similar to some public assistance program practices of today. The Association for Improving the Condition of the Poor (AICP), a relief-giving agency, during the 1840’s, distributed relief, using “less eligibility” and recipients were also required to abstain from alcohol, underscoring the need to conform to particular norms or expectations for behavior

(Day & Schiele, 2013). For example, “SNAP,” or food assistance, is a program in which, less eligibility is used, as the poverty threshold is based on a number that is intended to be “short-term” and, “...poor people generally spent about one-third of their income on food” (Day & Schiele, 2013, p. 17). This again, suggests the lack of acknowledgement between systematic issues that reinforce poverty and the challenges that individuals face when attempting to receive aid.

Social Work, Social Control & The American Indian

The State’s engagement or interactions with American Indians arguably follows a similar trajectory to the shifts demonstrated in the agent of control, or apparatus used to manage deviance (Rodger, 1988). Apparatus and interventions targeting the management of the American Indian historically placed an emphasis on the infliction of physical pain and attempts at genocide (e.g., slave labor, small pox, etc.), pre-eighteenth century; to a more institutional and legislative form of deviant control during the nineteenth-century (e.g., boarding schools, forced assimilation, urbanization policy, Dawes Allotment Act 1887, etc.); and continuing in to present day with control tactics woven in to charitable welfare functions, often carried out by social workers engaged in social welfare programming (e.g., Indian Adoption Project 1958-1967, ICWA; Roger, 1988; Day & Schiele, 2013; George, 1997; Palmiste, 2011). These shifts highlight the transition from the use of physical force by the State, to a more dispersed and immersed form of control, found within worker-client relationships and formed by social identities (Foucault, 1977, as cited in Rodger 1988; Miehl & Moffatt, 2000).

Progression of Assimilationist Policy & Practice

Since the beginning of the early 1800’s, federal policy and practice has aided in the attempted assimilation of American Indians within the United States. White settlers were

glorified for their territorial aggression and American Indians were viewed as commodities, as was their land (Day & Schiele, 2013). Murder and enslavement of Native American peoples; their removal person by person and nation by nation until the continent “belonged” to the white government; treaties negotiated, honored and broken are all parts of American Indian history (Day & Schiele, 2013). Two pieces of federal legislation to highlight within an assimilationist context are, *The Indian Removal Act of 1830* and the *Dawes Allotment Act of 1887*.

The Indian Removal Act (1830) was enacted to move Indians away from traditional homelands to “Indian Territory” west of the Mississippi so as to provide European immigrants with land and to prevent further conflict between colonists and tribes. This act was specifically targeted at tribes living in the Southeastern part of the United States, however, this act would impact tribes living in other parts of the country as well. With the passage of the Allotment Act (1887) Indian land was divided up in an effort to turn Indians into nuclear families and farmers. However, most of the land allotted for American Indians was land that was not suitable for farming and American Indians, traditionally nomadic hunters, lacked the knowledge needed for farming. It was also with this law that the concept of blood quantum was introduced as a concept of tribal enrollment (George, 1997). Starting in the late 1800’s, Indian children were removed from their homes and sent to boarding schools, often far from their tribal communities, implementing federal policy aimed at assimilating Indian children (Herman, 2012).

“It is admitted by most people that the adult savage is not susceptible to the influence of civilization, and we must therefore turn to his children, that they might be taught to abandon the pathway of barbarism and walk with a sure step along the pleasant highway of Christian civilization... They must be withdrawn, in tender years, entirely from the camp and taught to eat, to sleep, to dress, to play to work, to think after the manner of the white man” (Price, 1973).

The assimilationist practice did not just consist of time away during the school year. Often, American Indian children were too far away from home to travel back to their reservations

during breaks or on holiday vacations. Rather, these children continued to stay at the boarding schools beyond the academic year and were often placed with Caucasian homes during vacations; extending the removal period and increasing the chances of assimilation of American Indian children (Herman, 2012). During the end of the boarding school era, the Bureau of Indian Affairs became increasingly concerned about the number of children that would be returned to their tribal communities without appropriate family, or worse, have no where to go and be homeless (George, 1997). In response, the Bureau of Indian Affairs, hired social workers to place the children in long-term care with non-Indian families, establishing the birth of the Indian Adoption Project of 1958-1967.

The American Indian Adoption Project of 1958-1967

The American Indian Adoption Project of 1958-1967 highlights the attempted genocide of an entire culture and people, legitimized in the name of progress, charity and Judeo-Christian American values; post-WWII era highlighted the importance of the nuclear family in the United States and much stigma existed for families that were childless (Palmiste, 2011; George, 1997; Herman, 2012). During the 1950's, there were a number of factors that contributed to the creation of the Indian Adoption Project. Generally, there were less Caucasian babies available for adoption; contraceptives and family planning services meant that white-, middle-class families were not giving children up for adoption (Herman, 2012). The closing of boarding schools across the United States left many Indian children with no where to go, as they had been separated from their tribes. The result of assimilationist policies and practices was that American Indian families were not in a position to combat social welfare intrusion (Herman, 2012). In 1955, the Child Welfare League of America held a conference and announced that it was time for the "hard to place" child to receive attention and be placed for adoption; these "hard to place"

children targeted the handicapped, the child that belonged to the older age group and to children of color, sparking interest in transracial adoptions (Lyslo, 1960).

In 1957, the Bureau of Indian Affairs contracted with the Child Welfare League of America in the removal of and placement of Indian children with non-Indian families; this contract was necessary because the Bureau of Indian Affairs was not authorized to engage directly in adoption-related works (Lyslo, 1960). The Bureau of Indian Affairs was commissioned by Congress and was supposed to act in the best interests of the Tribes; a direct role in the placement of Indian children to non-Indian homes would have been considered a conflict of interest. The project was at first, established as a small pilot project and was a fiscal collaboration between the Bureau of Indian Affairs and the Child Welfare League of America and posited its purpose as, “to stimulate the adoption of American Indian children by Caucasian families on a nationwide basis” and to “...study and evaluate these placements in relation to the adoption of all children of minority races” (Lyslo, 1963). The first director of the project, Arnold Lyslo played on the American social value of Judeo-Christian values when he stated that the Indian child was, “...forgotten child, left unloved and uncared for on the reservation, without a home or parents he can call his own...” (Lyslo, 1960). A total of 395 Native American children were adopted; these children were from 16 mid-western and western states and the majority of the children were placed in mid-western or eastern states (Lyslo, 1968). Adoption services and social workers were provided by 50 agencies that were under contract with the Child Welfare League of America; nearly two-thirds of these agencies were private agencies, although 19 were public welfare agencies (Lyslo, 1968).

At the conclusion of the Project in 1967, many individuals proclaimed it as a success; it had promoted “hard to place” children. Although the Project only placed 395 children, officially,

referrals were made to the state and county social welfare departments. In the Project's life time, more children were placed for adoption by the child's local or state departments; a report to the Association on American Indian Affairs released to the Senate Commission in 1977 stated that 11,157 Indian children were adopted between 1964 and 1976 (Palmiste, 2011). Many viewed the Indian Adoption Project as an example of progress; the adoption of thousands of Indian children indicated that racial prejudice beliefs were on the decline. Upon the project's completion, Lyslo declared, "One can no longer say that the Indian child is the 'forgotten child'" (Herman, 2012). The demand for Indian children was documented through progress reports submitted to the Child Welfare League of America at quarterly and yearly intervals; in a July progress report, 105 children had been placed through the Indian Adoption Project (Lyslo, 1963); the 1966 year-end summary completed by Arnold Lyslo (1967) remarked, "...two hundred seventy-six Indian children have been placed for adoption through the Indian Adoption Project...about one-half of the children were full-degree Indian. According to a news release from the Department of the Interior, the number of Indian children placed for adoption in 1967 were approximately twice as many as the year before; with the demand for adoption continuing to be present and,

"the success of the Project has encouraged the New York-based Child Welfare League of America to establish a new agency, the Adoption Resource Exchange of North America (ARENA). This agency will serve both Indian and non-Indian children and prospective adoptive families in Canada as well as the United States. Children for whom adoptive families are not available in their home states, and families who want to adopt these children, will be referred to the wider area that ARENA embraces" (Bureau of Indian Affairs, 1968).

With the completion of The Indian Adoption Project, The Adoption Resource Exchange of North America (ARENA), founded in 1966, was the immediate successor to the Indian Adoption Project and it was the first national adoption resource exchange devoted to finding homes for hard-to-place children. "In regard to Indian children, we're aware that the Indian people are so

concerned with their children being placed in white homes that the Tribal Councils are unwilling to free a child for adoption” (Nash, 1973). The Adoption Resource Exchange of North America continued the practice of placing Indian children with non-Indian families for a number of years in the early 1970s (Herman, 2012).

Primary Source Analysis

Materials and Procedure

For the purpose of this analysis, archival documents that would serve as primary documents were explored. The writer contacted the Elmer L. Andersen Library staff, located at the University of Minnesota. The staff at the Elmer L. Andersen Library suggested the examination be focused specifically the Child Welfare League of America archived records; more specifically, the “Minorities Project” and the “Indian Adoption Project” materials. The writer examined two boxes of archived materials, and focused on approximately five folders of information. This archived material was comprised of: pamphlets from tribal organizations that highlighted their child welfare services; year-end summary reports written by the Director of the Indian Adoption Project, Arnold Lyslo (1960); national press releases; newspaper articles; applications for adoptive families and biological parents; journal articles were also included. The writer took photographs using a laptop computer and then accessed a software system that translated picture files to pdf formatted materials.

Indian Adoption Project Summary of Primary Sources

After examining archived materials collected at the Elmer L. Andersen Library, within the Child Welfare League of America records, several contradictions exist between the actual practice and policies that shaped the Indian Adoption Project and the reported purpose of the project. Contradictions and conflicts were found that might suggest that the project was used as

a second wave form of social control within the assimilationist welfare movement, targeting Native American peoples and their children.

“If you want to solve the Indian problem you can do it in one generation. You can take all of our children of school age and move them bodily out of Indian country and transport them to some other part of the United States. Where there are civilized people...If you take these kids away and educate them to make their own lives, they wouldn't come back here” (Rogers, 1950, as cited in George, 1977, p. 169).

One might argue that from the beginning of the settlement of America, one of the primary intents of federal Indian policy and practices targeted at them, was to eradicate their “indianness” and assimilate them in to mainstream society. The acts and treaties that were negotiated and then broken, forced entire tribal communities to give up their land and attempted to break down familial and social structures.

The boarding school era and the Indian Adoption Project was an attempt at assimilating Indian children in to mainstream society and did so by removing children from their tribal communities and placing them in non-Indian homes, great distances from their reservations; most of the children adopted were from Western states and were often placed in Eastern states (Lyslo, 1963). One might argue that the Project itself was not any different than the boarding school era and that it was simply a continuation of assimilationist movements. Supporters of the project argued that Eastern states were less prejudiced against Indians and that by moving them away from the reservations and out of the child's home state, they could be adopted, “...where there was less prejudice against Indians” (Lyslo, 1960). However, one might argue that there was not significant evidence that highlighted any real legitimacy to that claim. Indian children were removed from their homes and placed great distances away, in non-Indian households, creating barriers to reunification, and to further assimilate them (George, 1997).

The project used Judeo-Christian values based on the norm of the patriarchal nuclear family, and of “charity” as a means to legitimize the removal of Indian children from their tribal communities in an attempt to eradicate the Native American population. The significance of the *Dawes Allotment Act of 1887*, stressed not only the ways in which the federal government attempted to assimilate the Indians in to mainstream society through the ways in which they worked (i.e., forcing them to farm land), but also introduced a new conceptualization of tribal enrollment; blood quantum numbers. In order for Indian children to participate in the Indian Adoption Project, their blood quantum numbers had to demonstrate them to be at least one-fourth Indian (Research Schedule, n.d.). The Native American family was categorized as the “other” and the Caucasian middle-class family held a valued position in society. The project capitalized on Christian zeal by, “saving God’s forgotten children,” and a national sentiment for family preservation, while removing Indian children and breaking apart tribal familial structures (George, 1997). One might argue that the Project’s real intent was not to preserve the nuclear family, the criterion of one-fourth of Indian blood for tribal enrollment, could be viewed as a means to reduce the number of enrolled tribal members, therefore, attempting to eradicate the Indian population and the preservation of the Caucasian, middle-class family.

Native American families were not in a position to combat this type of government intrusion for a number of reasons: economic hardship and the social and economic criteria used to remove Indian children, stigma surrounding “illegitimate” children, the state of poverty derived from previous policies that removed tribes from their ancestral lands, creating a state of dependency on the federal government, and a lack of transparency aided in the adoption of Indian children to non-Indian families. The poverty and lack of resources of American Indian families was acknowledged as a factor leading to neglect and abuse, justifying the removal of

children and thus, acting in the best interest of the child. However, the environmental context of American Indian life was not overtly acknowledged in any of the Child Welfare League of America archived materials; with one exception in which the social workers completing adoption application were asked to assess the standard of living, "...by reservation standards" (Research Schedule, n.d.). The children were often removed for criteria that most American Indian families living on reservations could not meet (e.g., square footage households required per child; Palmiste, 2011). The American Academy of Child Psychiatry stated, "...frequently the placements became permanent although the conditions that led to the need for placement away from home often were either temporary or remedial in nature" (Mindell & Gurwitt, 1977). During hearings that took place in the 1970's to highlight the disproportionate number of Indian children being removed from their homes, 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 was for physical abuse. About 99% were taken on the basis of such vague standards as deprivation..." (Palmiste, 2011).

During this time, there was little that Native families could do; compliance was a means of survival as there were reports that when Native families resisted the mandatory school at boarding schools, "Congress responded by authorizing the withholding of food and clothing rations from them" (George, 1997). The project also introduced the concept of "illegitimacy" to the Native American communities and used this as a means to justify the placement of Indian children in to non-Indian families, as the masses viewed "illegitimacy" as a vice, one that they were curing the Indian children of. The director of the project wrote, "Illegitimacy among Indian people is frequently acceptable...isolation and a general attitude that her [the mother] situation is "natural"..." (Lyslo, 1960). Workers that placed adopted Indian children were also instructed to

ask the potential adoptive families about their feelings surrounding illegitimacy, "...describe attitudes of adoptive parents concerning the adoption of an illegitimate child..." (Lyslo, 1963).

The concept of illegitimacy did not exist within the Indian community, because child-rearing had always been done communally; that is, even if a biological parent was not available, children were cared for by extend kin and other tribal members.

The Indian Adoption Project from 1958 to 1967 is a clear example of the attempt by the federal government to assimilate Native American children in to mainstream society through the use of adoption. The success of the project was highlighted in the 1970s congressional hearings on Native American child welfare issues; nationwide surveys on the placements of Native American children found that 25% to 35% of all Native American children had been separated from their families and in Minnesota in the years of 1971-1972, nearly one in four Native American infants under the age of one year were placed for adoption (George, 1997). Statistics such as these helped to justify the enactment of the Indian Child Welfare Act (1978). The commitment to the preservation of the nuclear family has been documented on behalf of the public child welfare institution, however, research that examines specific policies and practices that targeted minority families also highlights the distinctions that were made between those families that were deemed worthy and those families that were deemed unworthy. This research highlighted the lengths to which the White majority has gone to maintain the status quo and preserve the Caucasian, middle-class nuclear family and underscores the ways that power dynamics are inherently present in societal institutions, like social work practice. "Using the Social Work for Social Justice: Ten Principles" (School of Social Work, 2006) as a lens, one can argue that during this time, and potentially since the beginning of conquest, the principles of participation and governance/principle of subsidiarity were not and have not been upheld for the

Native American population. During the removal of Indian children, tribal communities were not, “assured a minimum level of participation in the community” and more specifically, were often not present during hearings concerning the custody of their children and often signed documents that were not clear to them, voluntarily giving up their parental rights (School of Social Work 2006; Palmiste, 2011). Federal policies targeting the Native American community did not hold that that government, “...have the responsibility to provide leadership and set policy in the best interest of the common good...,” these policies were used to uphold the good of a white majority (School of Social Work, 2006). According to Day and Schiele (2013), estimates of Native American population at the time of conquest range to nearly 10 million in North America. Today, Native Americans number 4.4 million and “are the most impoverished people in America” (Day & Schiele, 2013, p. 20). As highlighted above, transracial adoption, specifically the adoption of Indian children to non-Indian homes, played on the American social values of White Supremacy and Judeo-Christian values. The federal government played on the idea of adoption as charity and a moral obligation, while covertly upholding the status quo and White Supremacy (Day & Schiele, 2013).

Currently, statistics surrounding the number of Native American children involved in child welfare systems highlight the continued disproportionality that exists for American Indian children compared to their white counterparts; nationwide, these children are overrepresented in foster care at a rate of 2.4 times greater than their representation in the general population (Woods & Summers, 2014). Research suggests that the overrepresentation of American Indian children often begins with reports of abuse and neglect at rates that may be proportionate to their population numbers, however, these numbers grow higher at each decision making point within the child welfare system, culminating in these disproportionate numbers. One study found that,

where abuse has been report, American Indian children are two times more likely to be investigated, two times more likely to have allegations of abuse substantiated, and four times more likely to be placed in foster care than white children (Hill, 2007). These numbers become particularly alarming when examining specific states and underscore how contemporary the Indian Child Welfare Act may be failing to protect American Indian children; in the state of Minnesota, American Indian children comprise roughly 1.4% of the general population, however, they represent 18.8% of those children in foster care, making the rate of disproportionality 13.9 %, the highest in the country (Woods & Summers, 2014).

Contemporary ICWA

The right for American Indian children currently involved within the child welfare system (i.e., adoption, foster care) to remain immersed within their culture and be permanently or temporarily placed in an environment that reflects Native American culture is protected by the *Indian Child Welfare Act* (i.e., ICWA, 1978). Currently, ICWA seeks to keep American Indian children with American Indian families in cases that involve child custody issues or the termination of parental rights. As highlighted above, this act was passed in response the high and disproportionate number of Indian children being removed from their homes by both public and private agencies, specifically during the Indian Adoption Project of the 1950's and 1960's. This act affords protection of the best interests of Indian children and also promotes the sustainability of Indian tribes and families. ICWA is an integral policy framework on which tribal child welfare programs rely (Indian Child Welfare Act, 1978).

“The Indian Child Welfare Act of 1978 is probably the most comprehensive and complex law impacting on jurisdiction over children and parent-child relationships enacted in the past decade” (Hirsch, 1979).

ICWA (1978) attempts to provide a standard for how public and private child welfare agencies and state courts conduct their work to serve tribal children and families. The Act is applicable to child custody proceedings and may include: foster care placement, the termination of parental rights, pre-adoptive placement and adoptive placement proceedings (Turner, 2016). For many, the passage of ICWA (1978) signified a long anticipated recognition of the rights of Native American families and tribes to maintain a sense of sovereignty, but also, a shift in the way that family has historically been defined; child welfare law and family policy have consistently reflected a dominant, patriarchal nuclear family norm and this policy allowed for consideration of the conceptualization of family to include extended kinship networks. However, fidelity to these policies has proven to be difficult for tribal agencies to uphold. Practices surrounding the removal of Native American children continue to perpetuate standards that reflect attempted assimilationist practices and contradictions in social work values and practice; challenges exist in relation to infrastructure needed to carry out jurisdiction, social work practices and parental evaluation that continue to perpetuate a White-majority norm and definitions exist within that Act (ICWA, 1978) that allow for loose interpretation.

Federal legislation has long targeted the dismantling of the tribal hierarchy and governance. In order for tribes to assume jurisdiction they must have established tribal courts proceedings and processes, but the assimilation and extermination policies of the 19th and 20th centuries decimated tribal infrastructures (Day & Schiele, 2013; Brown, 2007). Currently, tribal governments struggling to develop a sustainable infrastructure to support ICWA (1978) implementation often are forced to give up jurisdiction over American Indian children due to a lack of resources. The establishment of well-structured court proceedings and programming for children involved in child welfare requires access to resources that do not exist, particularly for

tribal communities that exist outside of urban areas. Federal monies that exist for the protection of children that have been abused and neglected, or rather, those involved and protected under ICWA (1978), are only available for those youth that are deemed “wards” of the state, or in cases wherein jurisdiction has already been given to the state, as these monies are only available by way of the Social Security Act and only those children in state or county custody qualify for this type of funding (OG, 2004, as cited in Brown, 2007). Lack of sustainable and community-based resources also influences a tribe’s ability to engage with issues of neglect and abuse prior to the children entering the child welfare system and compound the issues that child welfare systems encounter. ICWA (1978) often acts against its own stated purpose by intervening only after the removal of children is deemed imminent; the establishment of protective legislation, one that is concerned with the preservation of Indian family life would require efforts that target the American Indian family as a whole, before they have reached dispositional court proceedings. Loose interpretations surrounding the definition of “Indian child” have created exceptions in the application of ICWA (1978), creating further challenges to tribal sovereignty and present another example of an attempt to control deviance.

Since the beginning of the 1980’s a number of courts have employed what is often referred to as the, “Indian Family Exception Doctrine” or the “Existing Indian Family Doctrine” which provides singular courts or judges the power to place Indian children with non-Indian families based on subjective assessments that a child does not have “significant social, cultural, or political relationships with his tribe” (Jaffke, 2006). ICWA (1978) serves as a declaration made by the State, an attempt to highlight tribal sovereignty and protect the cultural integrity of Indian children, however, the application of the Indian Family Exception Doctrine is not a standardized process and therefore the outcomes have been inconsistent. Perceptions of what

constitutes an Indian Family and an Indian child are often shaped within jurisdictions outside of tribal land and do not incorporate individual tribal eligibility criteria. This perception is often applied on the basis of norms and stereotypes that are shaped on majority conceptions of “family” and are often perpetuated by the power that exists within social work assessment in family court hearings.

Families involved within child welfare systems are often placed in a position of mandated compliance, rather than voluntary cooperation (Bell, 1999). The tendency for ICWA (1978) interventions to be centered in case management strategies, targeting individual children, without regard to family systems and the lack of resources on many tribal reservations makes familial rehabilitation difficult (Mannes, 1993). Social workers are often required to assess a family’s functioning and identify areas for further development and growth, however these interpretations are often done without a critical understanding of tribal culture, the challenges that tribal families face in accessing resources and the historic lens that has shaped relationships between Native families and predominantly White social workers. Biases also exist within social work practices that often pathologize poverty or larger societal conditions that are structural in nature. Research surrounding case examples highlight the ways in which conflicts exist between dominant standards and American Indian familial norms, creating misinterpretations of childrearing practices. A number of Native American communities place great emphasis on extended kinship networks and it is not uncommon for one child to have multiple primary caregivers or to spend long periods of time with extended family; this practice is often interpreted as neglectful by social workers (Brown, 2007). Native American families residing on a number of reservations across the United States live in stark conditions, and this is often interpreted as neglectful without attention paid to attachment or emotional “fit” between caregivers and children,

emphasizing the priority of “physical wellness” within child welfare discourse and disregard of emotional, spiritual or cultural wellness (Turner, 2016). Contemporary ICWA (1978) practices highlight the ways in which majority norms continue to define expectations surrounding child-rearing and parental aptitude assessments. Bernstein’s (1981) theory of codes and Foucault’s conceptualization of power and social control are highlighted in contemporary ICWA (1978) practices. The agent, or instrument of control has shifted, from the boarding school, reservations, and the urbanization and attempted assimilation to current out-of-home placements of the American Indian. However, the results appear to be the same. The American Indian is placed in a position in which the perception of formality, educational attainment, and power all aid in the “coding” of the social worker, placing the practitioner in a position of control. Successful deviants are deemed “rehabilitated” when their behavior and lifestyle is more aligned with those that reflect the values of the majority. This can not be more visible than in the courtrooms of ICWA (1978) proceedings, where the white social worker constructs a case plan in which the Indian parent is ordered to comply. The social worker, perceived as more knowledgeable, is likened to Bernstein’s (1981) example of the teacher, and the Indian, with less social capital, as the pupil, is placed in a position to learn from the practitioner about appropriate childrearing practices.

Discussion & Implications for ICWA Social Work Practice

An examination of the early history of social work discourse and contemporary practice highlight the multitude of contradictions that exist. Research on the Indian Adoption Project of 1958-1967 and contemporary Indian Child Welfare Act (1978) serves as one case example amongst many. Social work discourse and practice has experienced a number of shifts, often reflective of historical and present trends within United States socio/political climates. The

evolution of social work as a profession can be viewed as progressing in tandem with the ways in which the control of deviant populations has experienced shifts within the United States.

Conceptualizations of social identity, group membership, and power have all influenced the role of social workers. One must not view social welfare programming and its administrators as separate from instruments of social control. Ecological perspectives and systems theory, both pillars of social work practice, appear to be lacking in framing oppressive social structures, perpetuating the very conditions that practitioners attempt to help alleviate.

Ecological perspectives and systems theory allow for social workers to engage in critical thinking, that is, ethical social work practice calls for the examination of how a particular environment has shaped the individual, however, Salas, et al. (2010) argue that critical theory is almost absent in contemporary social work practice. Critical theory, "...focuses on uncovering entire phenomena of consciousness that underscore social injustice and on influencing social action to alter social injustice" (p. 93). Most apparent in the divergence of macro, or policy-aimed social work practice and clinical, or individual, assessment and disorder practice, are the ways in which the imposition of oppressive and dominant norms continue to influence and shape lives on the *individual* and that the separation, or division of macro and micro practice might be counterproductive. Implications drawn from the examination of the conceptualization of power and social control within the context of social work discourse and contemporary practice highlight the benefits of reframing how social work practice is carried out.

Salas et al. (2010) suggest that the recognition of the link between the personal and political is a fundamental beginning stage for the process of integrating social care and eliminating oppressive social structures. These authors suggest that effective practice requires attention to helping individuals get their needs met, while also assisting them in seeing their

oppression in order to alter conditions that create oppression, "...once consumers can identify how they have been impacted by the structures of society, in solidarity with others, they can begin to work toward transforming these oppressive structures" (Salas et al., 2010, p. 94). Engaging in a critical mode of practice requires practitioners engage in reflective processes, outside of those currently taking place, which usually are lacking in the acknowledgment of feelings of denial, guilt and defensiveness when issues of oppression surface within therapeutic relationships. Critical practice also calls for the ability on the part of the practitioner to attempt to develop a thorough understanding of the dynamics that exist within current social order as the result of historical political and social processes. Critical practitioners working within child welfare, and more specifically, within current Indian child welfare systems, hold positions of power, capable of facilitating shifts between client and provider.

Utilizing a critical mode of practice and the case example of ICWA, a shift from physical-body oriented child safety and placement, to family preservation can occur for American Indian peoples. Currently, ICWA places an emphasis on the preservation of Native culture and protecting the physical bodies of children, asserting that the most critical part of this work is on the creation of culturally appropriate placements, placing family preservation as a secondary objective even with specific language within the Act that stipulates that before out-of-home placement is deemed inevitable, efforts must be undertaken to attempt to keep the family system intact (Jaffke, 2006). Critical practitioners might approach families facing the termination of parental rights or children experiencing out-of-home placements with an investigation of how the family has existed within current social order and how their needs, collectively, how gone unmet. This mode would help facilitate a shift from traditional child welfare programming, centralized on a, "...philosophy based on saving children, an allegiant to personalistic psychologies

highlighting pathologies as the basis for assessment and treatment, and a hands-off or compartmentalized response to children” (Mannes, 1993, p. 146). Practitioners engaging in critical social work practice with Native American families might call for service delivery that underscores the physical environments in which these families typically reside, with an emphasis placed on the recognition of current social order as a result of historical oppression and attempts at termination, and the generational transmission of trauma, rather than, individual, pathologized, parenting ineptitude. Practitioners engaging in work that targets ICWA clients may render services that support and strengthen families, utilizing traditional ceremonial practices and engage in intentional dialogue surrounding the power dynamics that exist between the practitioners and family consumers with their clients, prior to placement or termination. The shift from traditional practice to critical social work practice in this context means,

“...that critical theory provides a framework for understanding how the social order runs, what place and role each of us has within it, the effect the system has on us, and what we can do to change it. It is a combination of the macro analysis of human behavior in the social environment, blended with the micro analysis of transference and countertransference, distilled together to determine what course of action we need to take to change injustices of the current system” (Salas et al., 2010, p. 92).

Working with Native American families within the mode of critical social work practice would allow for practitioners to develop a space in which consumers might be assisted in understanding the difficulties they face and how these challenges are shaped by macro level policies and historical political practices, shifting the power dynamics that exist within these relationships. This space could shape how case planning is approached within family reunification attempts and help to determine which aspects service planning are not sustainable, appropriate in addressing underlying issues that families face, and increase the likelihood of compliance and ultimately, successful reunification.

Social work in society serves two functions or purposes: social treatment or social control (Day & Schiele, 2013). Utilizing the works of philosophers, Foucault (1977) and Berstein (1981), the relationship between client (e.g., Native American family) and worker (e.g., social worker) can not be understood without the acknowledgment of power and the construction of control. The knowledge that one holds about another is constructed through what Foucault referred to as, “discourse” and is carried out in practices within relationships (Foucault, 1979, as cited in Powell & Khan, 2012). The divergence of micro- and macro- social work practices highlights the separation of critical theory and critical practice. The professionalization of social work and shifts in the agent, or institution of social control, should be part of the expansive context that oppressed members of our society exist within. Social workers attempting to engage in social treatment must work to conceptualize dysfunction within a context that is not simply contemporary in nature. That is, social workers working with Native American families should familiarize themselves with the historical trends within the United States socio/political climate that have shaped social order and the present day Native American experience. Native Americans have long suffered the consequences of social order and oppressive institutions, as demonstrated within this work. Ecological perspectives and systems theory, both pillars of social work practice, suggest that contemporary practice, lacking in critical theory is not enough to alleviate oppressive social structures and conditions that practitioners aim to alleviate.

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