



LEADERSHIP LESSONS

TRANSFORMING CHILD WELFARE SYSTEMS

What does the Indian Child Welfare Act mean to the Navajo Nation?

Q&A with Jonathan Nez, President of the Navajo Nation¹

The U.S. Congress passed the Indian Child Welfare Act (ICWA) in 1978 to address the long history of separation of American Indian and Alaska Native (AI/AN) families, and to protect AI/AN children and families from further trauma. Its provisions apply to enrolled members of federally recognized tribes in the United States, the largest of which is the Navajo Nation. The Navajo Nation’s territory comprises 27,000 square miles in three states (Arizona, New Mexico, and Utah), and it has 400,000 enrolled members living on the Nation’s lands and around the globe. In this Q&A, Jonathan Nez, president of the Navajo Nation, shares his experience and perspective on ICWA and tribal sovereignty, some of the present challenges related to ICWA implementation, and why full implementation of the law is so important to his tribe’s future.

How does ICWA reflect the political status of tribes and tribal sovereignty?

Indigenous nations in the United States have a unique relationship with the federal government, established through treaties and agreements. For the



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Navajo Nation, our sovereignty is recognized in the Treaty of 1868. During the westward expansion in the 19th century, Indigenous peoples were taken off their lands, forcibly at times, and put into “reservations.” When people use that word, I tell them: Use the word nation instead, because that’s what we are. We are the Navajo Nation, not the Navajo Reservation.

For example, the Navajo were able to utilize our sovereignty to respond to the COVID-19 pandemic. Our mask mandate was in place for over a year. We locked the Nation down at times during outbreaks. That’s what sovereignty is about — the ability to govern yourselves and your people. Sovereignty isn’t just about the ability to do for yourself, it is also about the ability to help others. We received a lot of support from all over the world during our outbreak. And when we were in a better place, with lower daily cases, we helped the country of India with homemade masks.

The relationship we have with the United States government under federal Indian law, including ICWA, protects Indigenous peoples and our way of life. Before ICWA, our children were forcibly taken into boarding schools. Many children ran away from the schools, trying to get home, sometimes in harsh weather. Many of our Navajo students never made it home. The vision of ICWA was to help heal the Nation and other tribes from this difficult time in history by keeping children within their families and tribes. To this day, that healing process continues.

But as years have gone by, the protections of ICWA and other federal laws have been chipped away. For example, today we are fighting to be able to teach our culture, our tradition, and our [Way of Life](#) to our own people in our own school districts. A lot of that culture and tradition is currently taught in our homes. That’s why, when a young person needs to be removed from their family, ICWA says that child should stay within that extended family, within their community, nation, and tribe. The Navajo Nation also prides itself on keeping children within their clan. There’s much **k’é** (family, relatives) within that clanship.

What has been your experience with ICWA, as a tribe leader?

ICWA is overseen by the Navajo Nation Division of Social Services, in partnership with our Department of Justice. We get a lot of inquiries, asking to identify whether certain children throughout the world are Navajo. We currently have active ICWA cases in more than 20 states. It can be challenging when we have to deal with so many different states to advocate for our children.

We get calls from people across the country wanting to place a Navajo child temporarily into a non-Native household. We are working to have more Navajo foster parents, as we still do not have enough Navajo foster homes. There are still times when a child must be placed somewhere else temporarily. We monitor those children, to make sure that the family has resources to teach that child our Way of Life, and we encourage visitations to occur. But our ultimate goal, and of course ICWA’s focus, is for the child to stay within the Nation.

Sometimes a temporary placement of a Navajo or other Indigenous child becomes a conflict and the subject of litigation. People’s first reaction is sometimes, “Don’t you want the child to be happy with the family they’ve gotten used to? Isn’t that in the best interest of the child?” There is a lot of debate about that. But the Navajo or Indigenous people know what’s best for their children. If you look at it through our viewpoint, our land, our language, and our Way of Life teaching reflect who we are. We would rather have our children stay with our people, so we can help them be successful into the future.

How do tribe culture and teachings impact children and families?

Tribes know what is best for their children. For the Navajo, we want our children to know our history, to know who they are. We are trying to reinstate an educational system that embraces our culture, tradition, and language — that’s educational sovereignty. We shouldn’t have just one page in our textbook about Indigenous peoples. Our children need to learn about forced relocation during the Long Walk more than 150

What does the Indian Child Welfare Act mean to the Navajo Nation?

years ago. Some of the communities from here to Fort Sumner spat and threw rocks at Navajo people and just wanted them gone. That kind of information should be in textbooks, not to create anger or hate, but to help our children understand who they are and to give them strength to know they can persevere through anything. Some of this information is key to healing a child and healing a Nation.

This education is also an important element of ICWA. Children are not going to get that education if they are away from the Nation, if they're with a family that doesn't know Navajo. All that history, that Way of Life, will be taken from them. When they get older, children who are adopted by non-Native families often feel robbed because they didn't get that teaching. They long to know who they are, and many return to the tribe as adults. They come full circle. And at times, there's some anger toward their foster or adoptive family for not teaching them. We don't want that to happen anymore.

We want those individuals to come back to the **hózhó**. In Navajo, *hózhó* means balance, restoration, and healing. When these young children are taken away, they're out of balance. If they are not taught how to regain that *hózhó*, it's going to affect them for their entire lifetime.

What prevents non-Native people from embracing tribes' cultural gifts and family ties?

Sometimes it's hard for others to understand our worldview. Here on the Navajo Nation, our Way of Life teaching, or our worldview, is a lot different from those outside our nation. We want to make sure that our young people know their Way of Life, their culture, tradition, and language. If you give an Indigenous child their culture, tradition, Way of Life teaching, and their language, they are more likely to succeed in this multi-ethnic country that we live in.

Our priorities are different. For example, 30 percent to 40 percent of our people still don't have running water or electricity. When we haul water home, the first thing we do is give the water to our animals, and then to our plants, because they sustain life. Next is drinking water, and then whatever is left goes to personal hygiene. Those are our priorities. We need to provide more families running water so families can stay here on the Nation. But in the meantime, a lack of running water should not be a reason to keep a child from their family and community. It might even help that child build resilience, like I did, and encourage that child to be successful later in life.

Of course, Indian communities are not a utopia. We do have high rates of alcoholism, drug addiction, violence, PTSD (post-traumatic stress disorder), and suicide.



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That is because there is a lot of confusion in our people. We have to negotiate two worlds, and achieve balance, *hózhó*, in two worlds — the Indigenous world and the non-Indigenous world, which is society today. It's no wonder our kids question who they are at times.

What are your hopes for Navajo children in the future?

We tell our young people, "You are our future leaders." Many are already leading us right now. ICWA was intended to keep our young people in their homes, where the water is, where the fire poker is, in our Way of Life teaching. That's where protection is. Everybody here knows home is the safest place to be. That's why nobody on the Nation fought our leadership when we

told everybody to stay home in lockdown, even though many communities across the country were picketing and disregarding the guidance, saying, "You're infringing on our freedoms." But in our Way of Life teaching, life, and policy, everything originates from the home, the *hogan*.

What we have been through as a Nation has been painful. Some are not ready to forgive after all that hardship. But there are others that are moving forward and healing so the next generation after us can move out of this bondage, or subjugation, that has existed in the United States for so long. We need to change the way people think about ICWA. It's not about reconstruction. It's about having a Nation be a Nation, and having our people be proud of their Nation.

To learn more, visit [Questions from the field](#) at [Casey.org](#).

1 Adapted from an interview with Jonathan Nez, president of the Navajo Nation, on Aug. 11, 2021.

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