



To: Committee on Judiciary

From: Ezra Sassaman, Maine Youth for Climate Justice

Date: May 31, 2023

Re: Testimony in favor of LD 1970: An Act to Enact the Maine Indian Child Welfare Act

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Senator Carney, Representative Moonen, and other members of the Committee on Judiciary, my name is Ezra Sassaman. I am writing as a representative for Maine Youth for Climate Justice (MYCJ), a coalition of over 470 youth from across the state fighting for bold climate action and a just transition to a livable future in Maine. I am writing in favor of LD 1970.

At the core of MYCJ's work is climate justice; we acknowledge the climate crisis is caused by systemic failures and forms of oppression and disproportionately impacts marginalized communities. Colonialism is at the root of climate change, so when combating the climate crisis, we need to simultaneously address – and strive to undo– colonial structures.

Among the most destructive tendencies of colonization is the erasure of the rights and identities of Indigenous people. Beginning to undo the harms towards Wabanaki tribes in Maine requires identifying laws and other remnants of colonization that remain today.

One example of a colonial remnant is the disproportionate rate with which Wabanaki children enter Maine's foster care system and the high rates at which these children are placed outside of their families and communities.<sup>1</sup>

In 1978, the Indian Child Welfare Act (ICWA) was designed to protect Indian children and families from biased child welfare practices and open hostility towards their families and culture. Before the passage of this legislation, 25%-35% of all Indigenous children nationwide

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<sup>1</sup> Maine Wabanaki-State Child Welfare Truth & Reconciliation Commission, "[Beyond the Mandate: Continuing the Conversation](#)", *Maine Wabanaki-State Child Welfare Truth and Reconciliation Commission*, p. 21, June 2015, Accessed May 30, 2023.

were removed from their homes by state child welfare and private adoption agencies. During this time, as many as 85% of those children were placed outside their families and communities — even when fit and willing relatives were available.<sup>2</sup>

Today, as a preventative measure against these harmful practices, ICWA has broad support from nearly 500 tribes<sup>3</sup> as well as many of Maine’s congressional elected officials.<sup>4</sup>

Unfortunately, the U.S. Supreme Court might weaken or overturn the Indian Child Welfare Act at the national level later this year. Taking Wabanaki children, families, culture and sovereignty seriously means Maine should join the twelve other states in codifying ICWA protections at the state level.

For the above reasons, our coalition, Maine Youth for Climate Justice, urges you to vote ought-to-pass on LD 1970. Thank you.

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<sup>2</sup> National Indian Child Welfare Association, “[Setting the Record Straight: The Indian Child Welfare Act Fact Sheet](#)”, *NICWA*, Accessed May 20, 2023.

<sup>3</sup> Joshua Arce, “[The Supreme Court Must Protect ICWA to Avoid Added Risk for Native Children](#)”, *Partnership with Native Americans*, October 4, 2022, Accessed May 30, 2023.

<sup>4</sup> *Brackeen v. Haaland*, “[Brief for 87 Members of Congress as Amici Curae in Support of Federal and Tribal Defendants](#)”, *U.S. Supreme Court*, pp. 43-46, August 2022, Accessed May 30, 2023.