



COW CREEK BAND OF UMPQUA TRIBE OF INDIANS

2371 NE Stephens Street Suite 100

Roseburg OR 97470

Phone: 541-677-5586

Fax: 541-677-5527

Oregon House Judiciary Committee

Testimony on HB 4148

Michele Moore, Cow Creek Band of Umpqua Tribe of Indians

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Dear Chair Sanchez, Vice-Chairs Bynum and Sprenger and members of the Committee, my name is Michele Moore and I am the Director of Human Services for the Cow Creek Band of Umpqua Tribe of Indians, one of nine federally recognized Indian Tribal Governments in the State of Oregon.

On behalf of the Cow Creek Tribe I am submitting testimony in support of HB 4148, which is an important next step for Oregon to solidify its commitment to protecting Tribal sovereignty and promoting the security and stability of Indian tribes and families. We have been active in a government-to-government workgroup over the last six months because this issue is of critical importance to our tribal children, families and their future.

I want to thank Representative Sanchez for her leadership and express our gratitude for her tenacity to advance the legislation before you today. She has been an advocate for our Tribes and our children, and we appreciate how much work went into advancing this legislation to where it is today. We also appreciate the commitment to continue this work through the next interim because this step is just a first step - not the final step for this critical issue.

For brief background, the Cow Creek Tribe is located in Southwest Oregon in Douglas County with more than 1800 members and is governed by an elected eleven-member council known as the Tribal Board of Directors.

The Cow Creek Tribe was one of the first two Oregon tribes to secure a treaty with the U.S. Government in the 1850s. However after ceding more than 800 square miles of Southwestern Oregon to the United States government the treaty was essentially ignored for over 100 years. Finally in 1954 the Tribe was officially terminated, along with dozens of other Tribes in Western Oregon. After decades of struggles, in 1982 the Cow Creek Tribe won its restoration.

Just as the Tribe has fought to restore its land base, it has struggled to defend and advance the interests of Cow Creek children using the Indian Child Welfare Act. Cow Creek Children are the future of the Tribe, and the success of its restoration of Tribal lands and sovereignty are important because they are part of providing a future for Tribal children.

This background is important because particularly for Tribes like the Cow Creek, who were terminated and then restored, it is still unknown how many Cow Creek children were lost to adoption before full restoration. While this legislation will not resolve that unknown, it will help advance policies and practices that safeguard against future unlawful and unfair removal of tribal children from their culture and their families, and it recognizes the sovereign rights of Tribes to make decisions about the custody of Indian children.

Our hope is that by establishing in statute that it is Oregon policy to protect the health and safety of Indian children by preventing the removal of children from their families that we can help prevent another lost generation of tribal members. HB 4148 also recognizes the inherent jurisdiction of the Tribes to make those decisions about child custody and creates consistency in the application of ICWA statewide.

While other needs remain to be addressed in both policy and implementation, this legislation will advance Oregon's leadership in working in partnership with Tribes to address disproportionately and other specific issues that have had a direct impact on Tribal children and their families.

It is critical to pass this legislation now, but it is equally critical that this work continues beyond this session. The state must continue to consult and work in coordination with Tribes as the changes in policy are implemented, and we must maintain the strong committee of partners, meet regularly and make sure any outstanding issues are ready to address in the next legislative session in 2021.

In closing, the Cow Creek Tribe urges passage of this legislation and also urges the state and legislative body to continue to make this issue a priority in the interim because this legislation alone does not provide the full scope of protections and policies we need to protect the health and welfare of Indian children.

The Cow Creek Tribe remains committed to working with Representative Sanchez and the other members of the workgroup that contributed to HB 4148 so that we can further improve certainty and stability for Oregon Tribes, their families and children.

Please pass HB 4148 and make this work a continued priority.

Thank you.